

155526

A Briefing on State Jail Felon Dynamics



September 1, 1994

Criminal Justice Policy Council
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Tony Fabelo, Ph. D.
Executive Director

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U.S. Department of Justice
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Note from the Director

On September 1, 1994, the state jail sentencing system will take effect. Under this reform, offenders who commit state jail felonies no longer will be sentenced to the Texas Department of Criminal Justice - Institutional Division. Instead these offenders will be eligible to serve time in a system of state jails.

This report presents a briefing on the legislation that created the state jail felony sentencing and correctional system and a flow chart depicting, as best as can be determined at this time, how offenders could move through the different sentencing and correctional systems. The number of state jail felony offenders in the seven largest counties in the state (combined and individually) and in five smaller counties is also presented, based on the best estimates available at this time from the Sentencing Dynamics Study conducted by the Criminal Justice Policy Council in 1991-92.

As the new reforms take effect, the Criminal Justice Policy Council, in cooperation with the Texas Department of Criminal Justice and individual counties across the state, will continue to monitor the system and provide periodic updates concerning its implementation.

Tony Fabelo, Ph.D.
Executive Director

Overview

State Jail Felon Legislation

◆ Legislation:

- ✓ 1993 Texas Legislature regular session.
- ✓ SB 1067.
- ✓ SB 532.

◆ Offenses:

- ✓ Forgery.
- ✓ Unauthorized use of a vehicle.
- ✓ Burglary of a building.
- ✓ Possession or delivery of under 1 gram of a Penalty Group I controlled substance.
- ✓ Criminally negligent homicide.
- ✓ Nonsupport.
- ✓ Injury to a child, elderly individual or disabled individual by criminal negligence.

◆ Punishment:

- ✓ An offender is automatically probated upon conviction of a state jail felony.
- ✓ An offender can also be punished with up to two years in a state jail facility.

◆ Confinement:

- ✓ An offender can be confined as a result of probation revocation.
- ✓ Up front time is based upon prior criminal history as depicted in the following chart:

Prior Convictions	County Jail Time	State Jail Time
0	Up to 30 days	Up to 60 days
1	Up to 60 days	Up to 180 days
2 or more	N/A	Up to 1 year

State Jail Felon Legislation (cont.)

◆ Enhancements:

- ✓ Offenders previously convicted for an aggravated offense (article 42.12, section 3G) - including the affirmative weapons finding - and who commit a state jail felony can be enhanced to a third degree felony.
- ✓ No other enhancements are permitted by the law.

◆ Revocation:

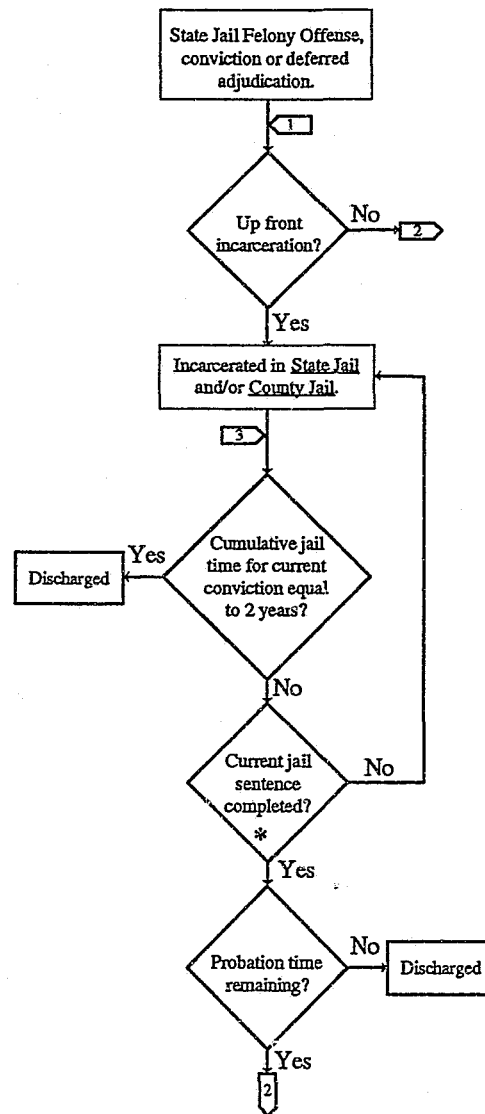
- ✓ To State Jail Facility.
- ✓ No good time allowed.
- ✓ Judge can use shock release to let offenders out before their scheduled release time and return them to community supervision.

◆ Time Credited for Sentence Completion:

- ✓ Time spent in county jail (at judge's discretion).
- ✓ Up front time served in a State Jail facility.
- ✓ Any other time served in a State Jail facility.

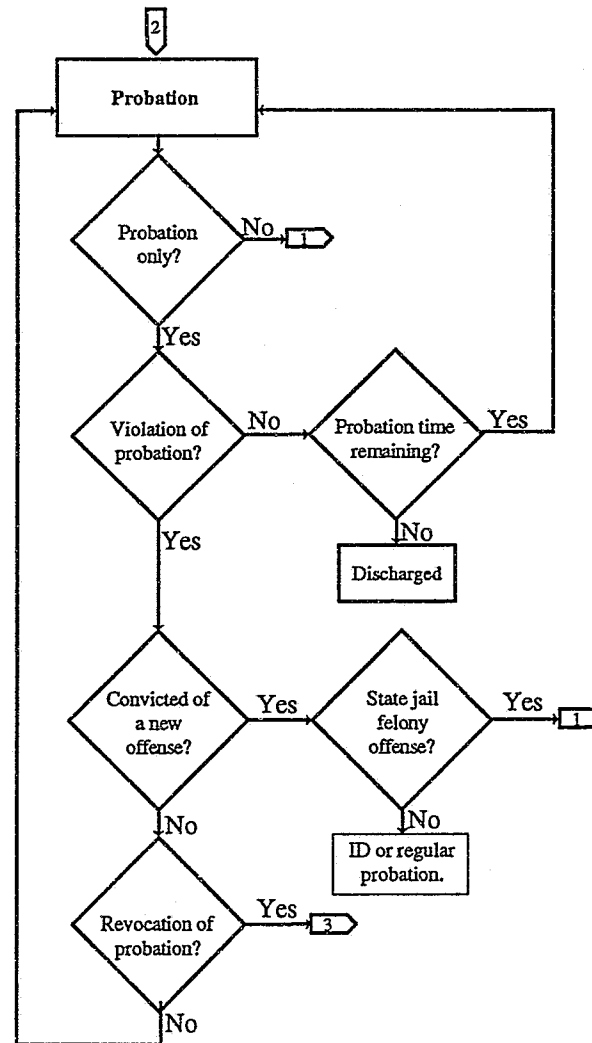
State Jail Felon Movement through the System

Offenders in the State Jail System: Incarceration



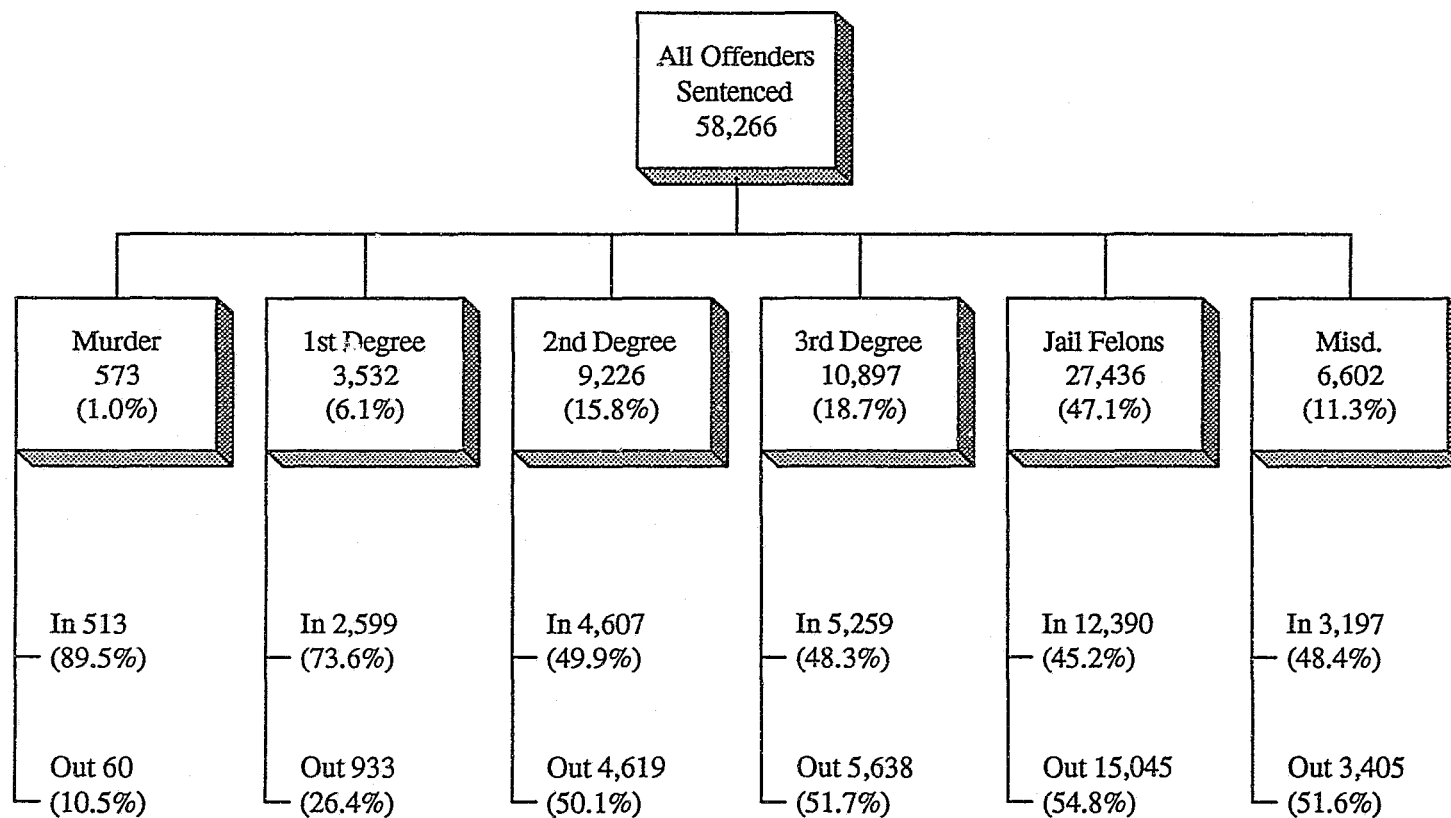
***A judge can release an offender earlier than scheduled ("shock" probation).**

Offenders in the State Jail System: Probation

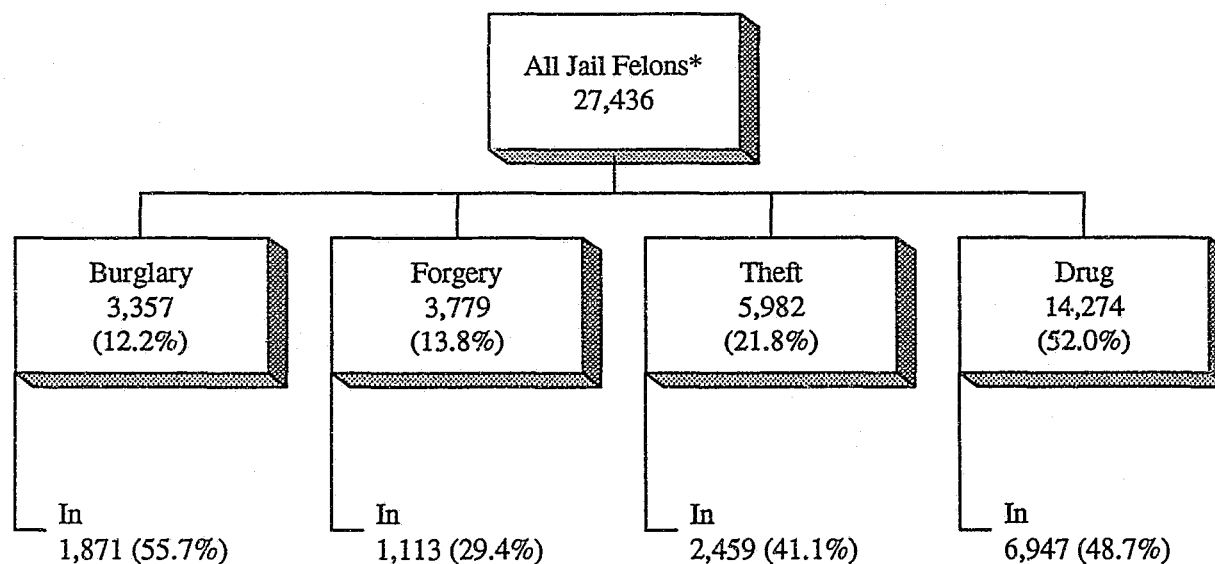


State Jail Felon Estimates: Seven Largest Counties

Offenders Sentenced in the Seven Largest Counties

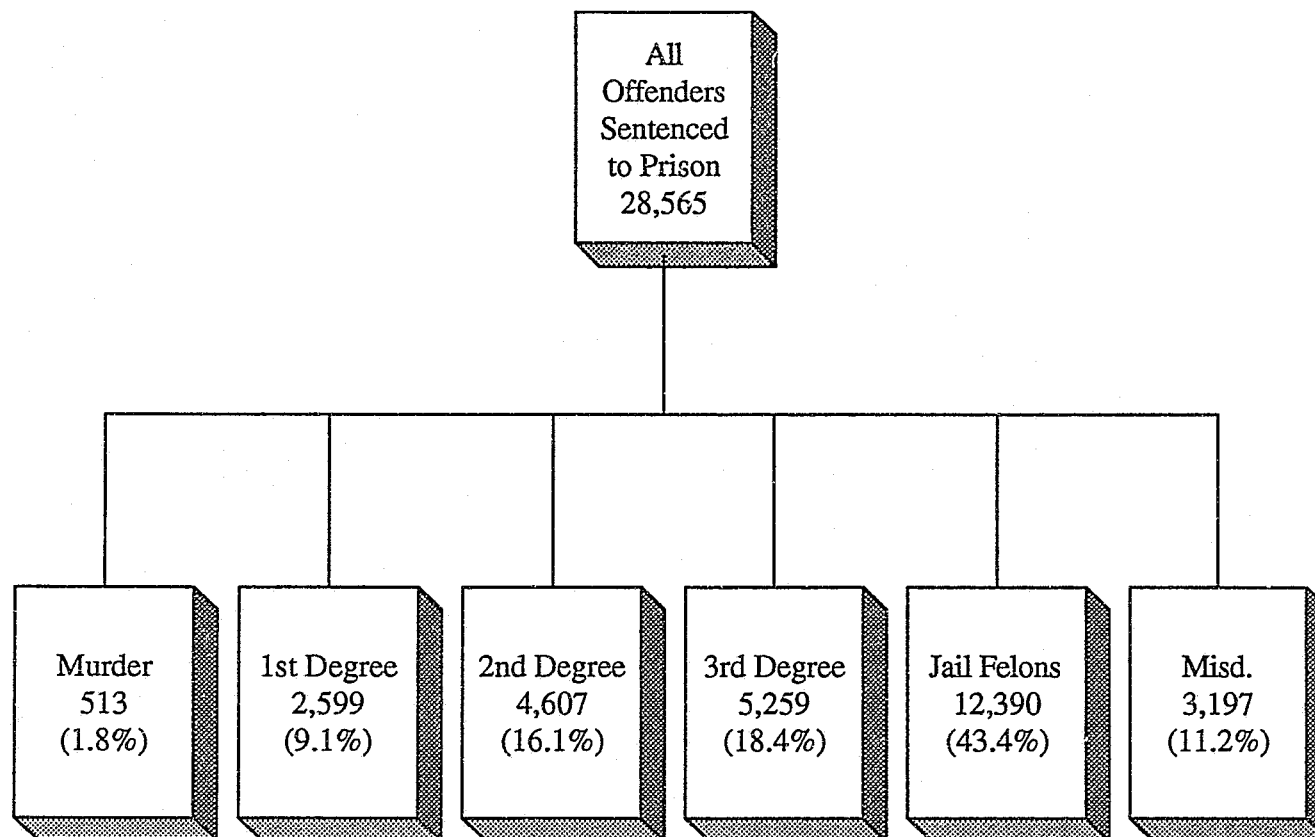


State Jail Felons by Offense and Number in the Seven Largest Counties

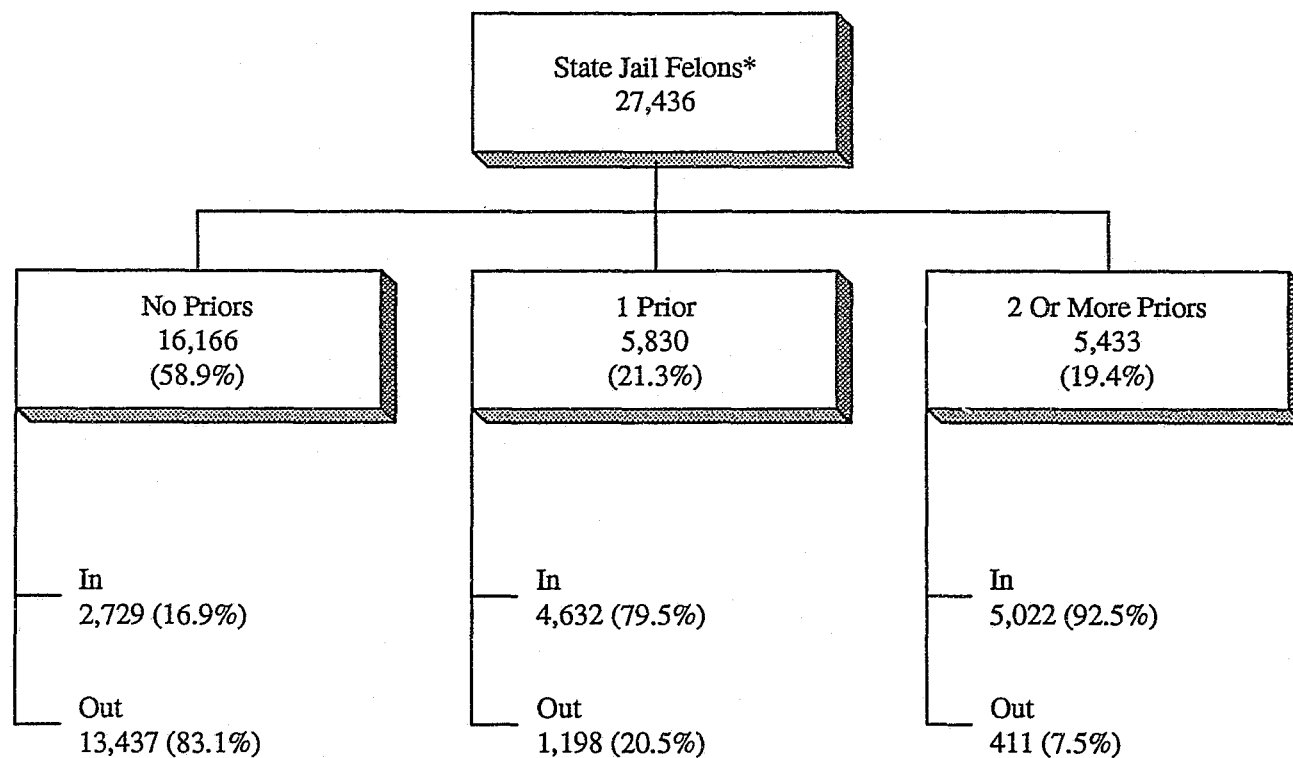


*Note: 0.2% of all Jail Felons fell into other offense categories.

Offenders Sentenced to Prison in the Seven Largest Counties



Prior Felony Convictions of State Jail Felons: Seven Largest Counties



*Note: 0.03% of all Jail Felons had no information on number of priors.

Estimated State Jail Felon Population in State Jails, August 31, 1995

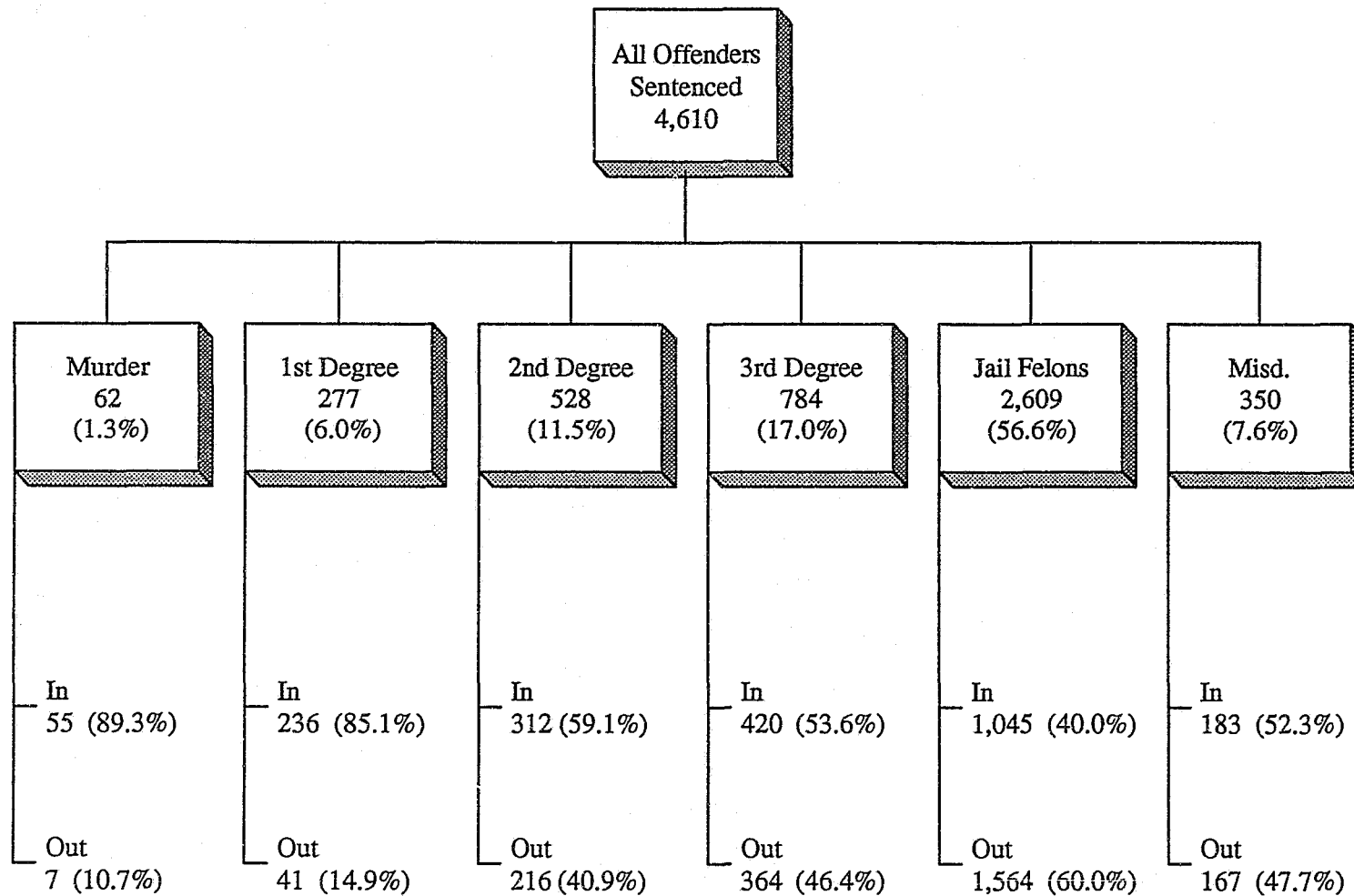
◆ Factors that Affect First Year Population:

- ✓Lag time between offense date and prosecution date.**
- ✓Defense has upper hand, thus up front time will be minimized.**
- ✓State Jail time after revocation.**
- ✓Lag time between probation and probation revocation.**
- ✓Revocation of probation for offenders on probation as of 09-01-94 will go to ID.**

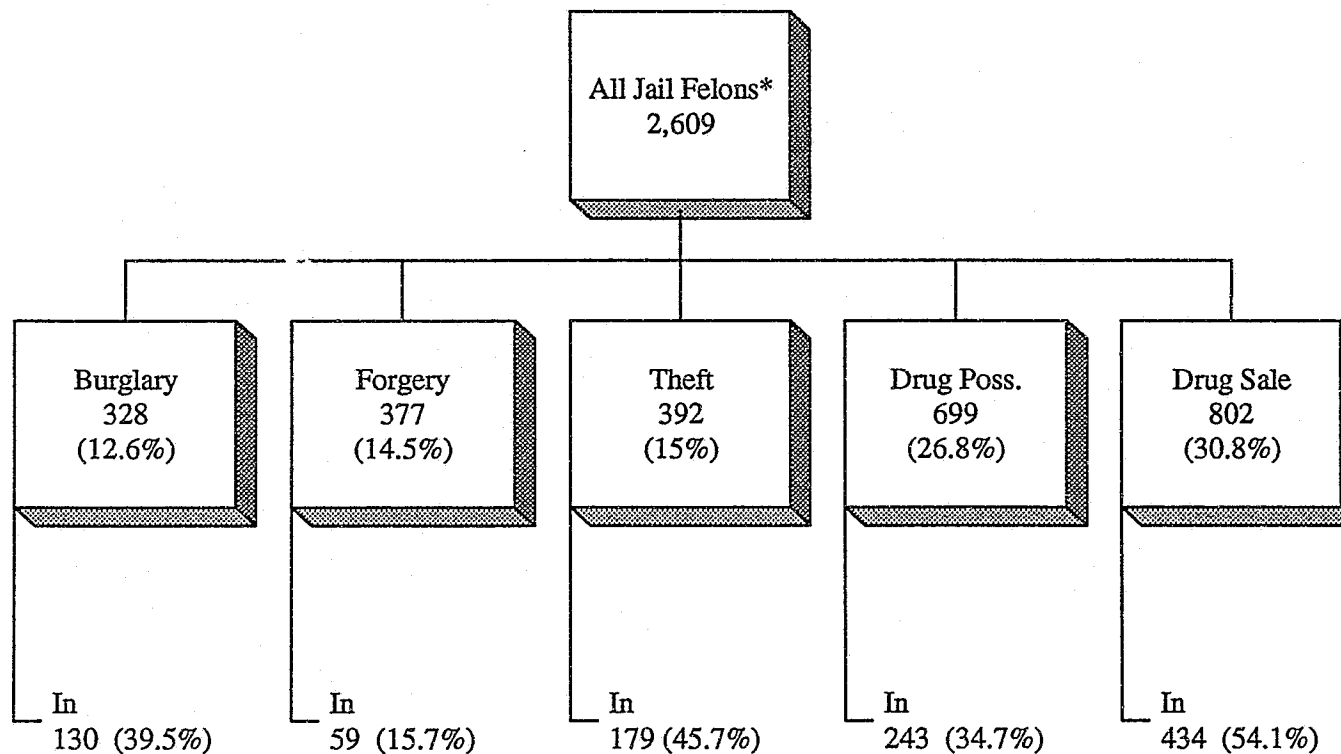
- ## **◆ When these factors are taken into account, the State Jail population on August 31, 1995 is estimated to be 4,479.**

State Jail Felon Estimates: Bexar County

Offenders Sentenced in Bexar County

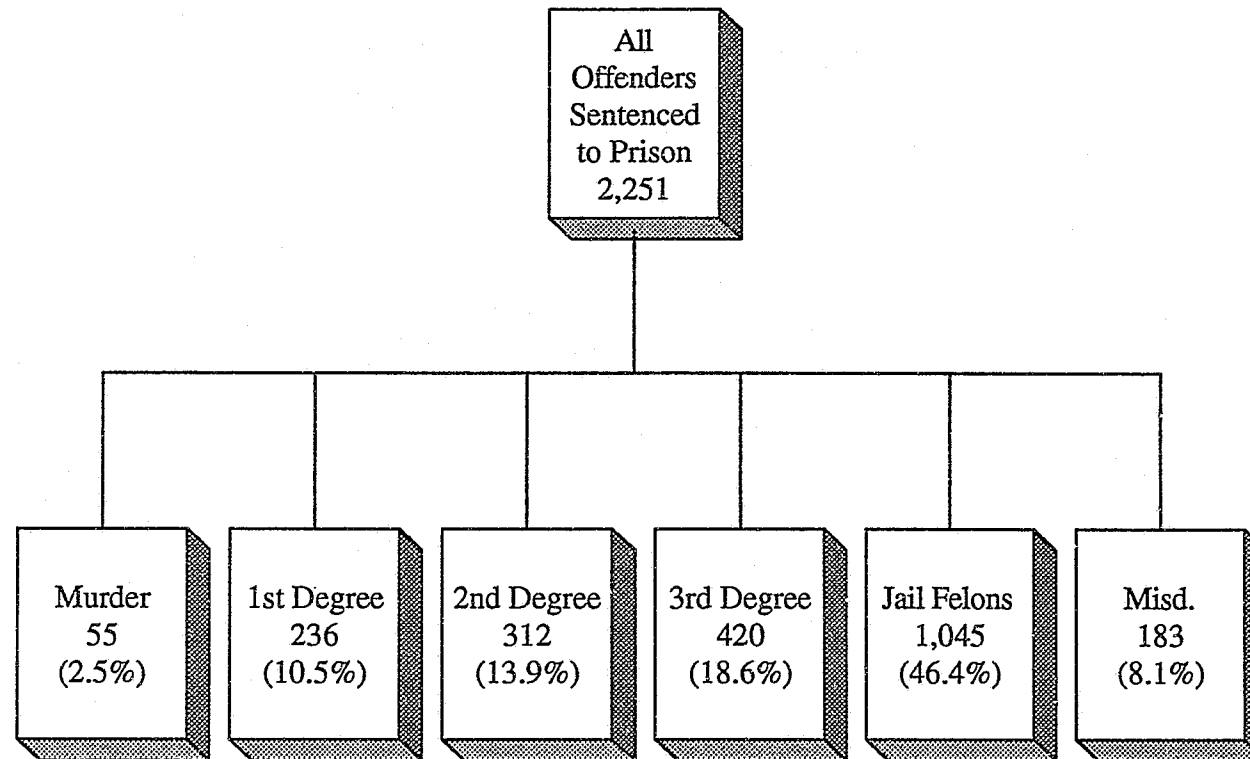


State Jail Felons by Offense and Number in Bexar County

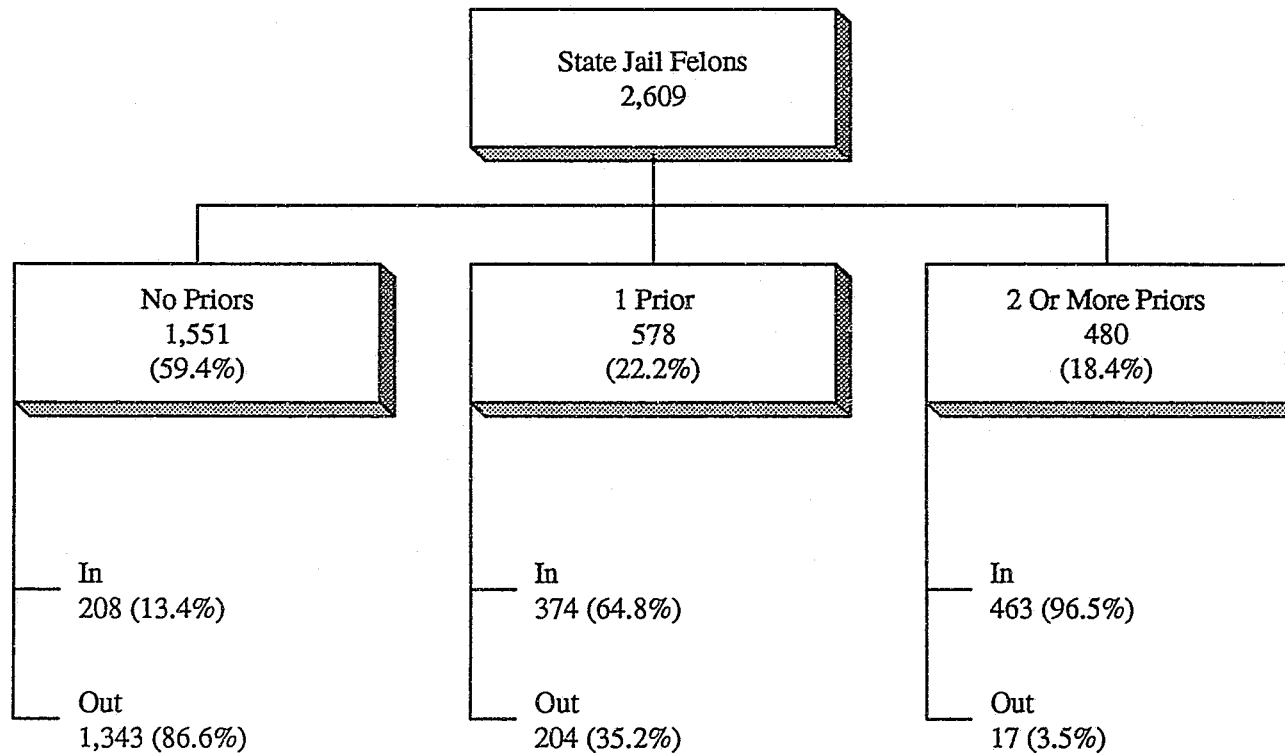


*Note: 0.4% of all Jail Felons fell into other offense categories.

Offenders Sentenced to Prison in Bexar County

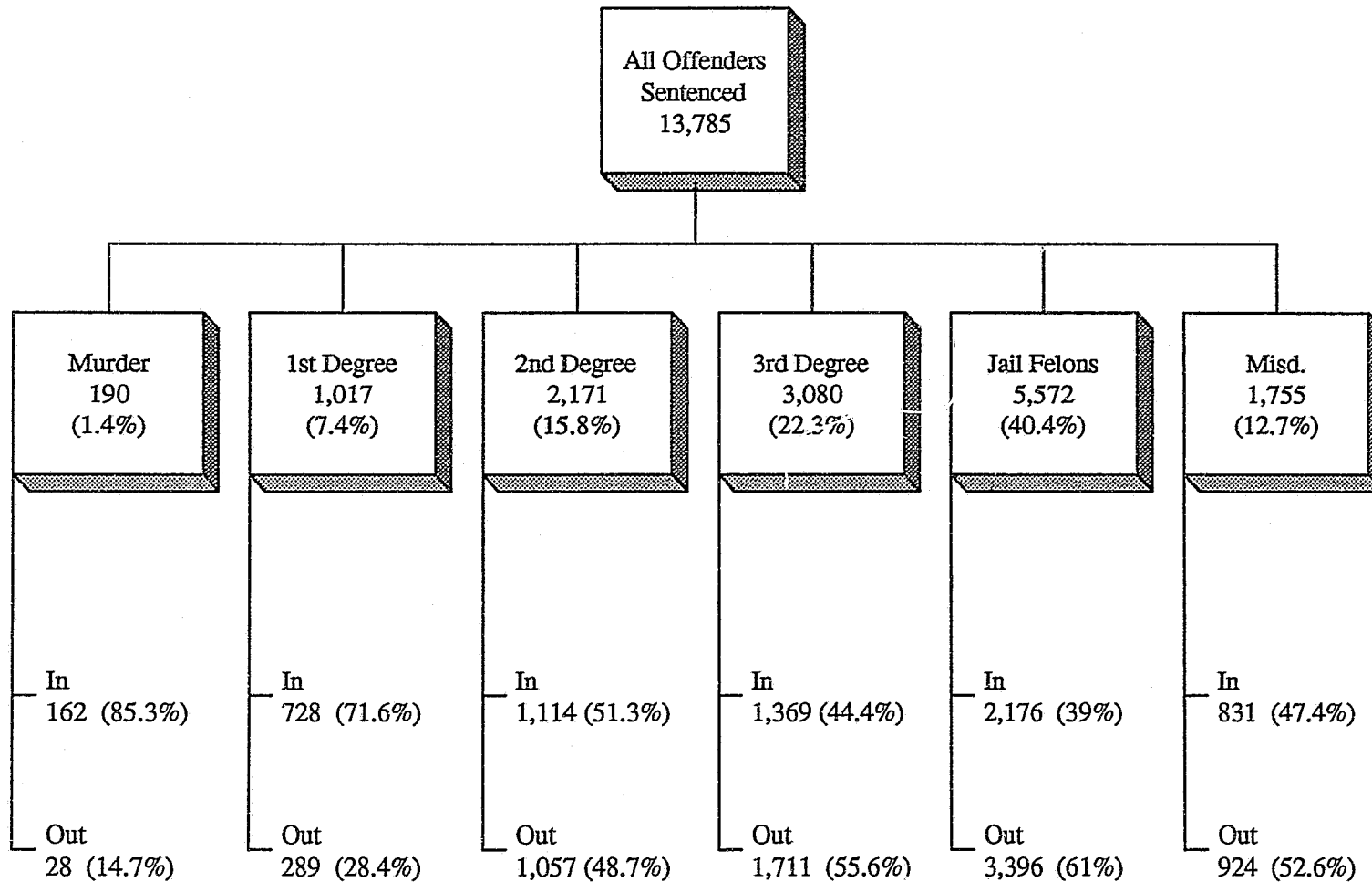


Prior Felony Convictions of State Jail Felons in Bexar County

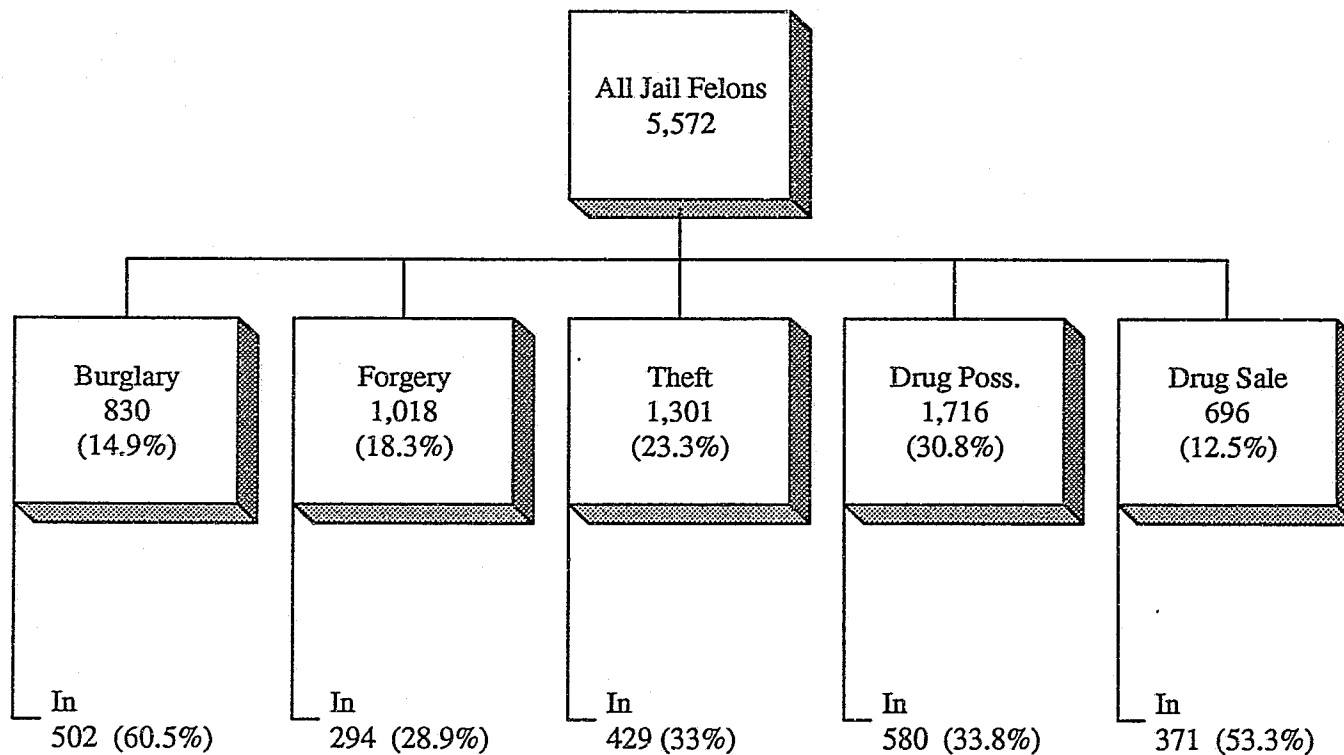


State Jail Felon Estimates: Dallas County

Offenders Sentenced in Dallas County

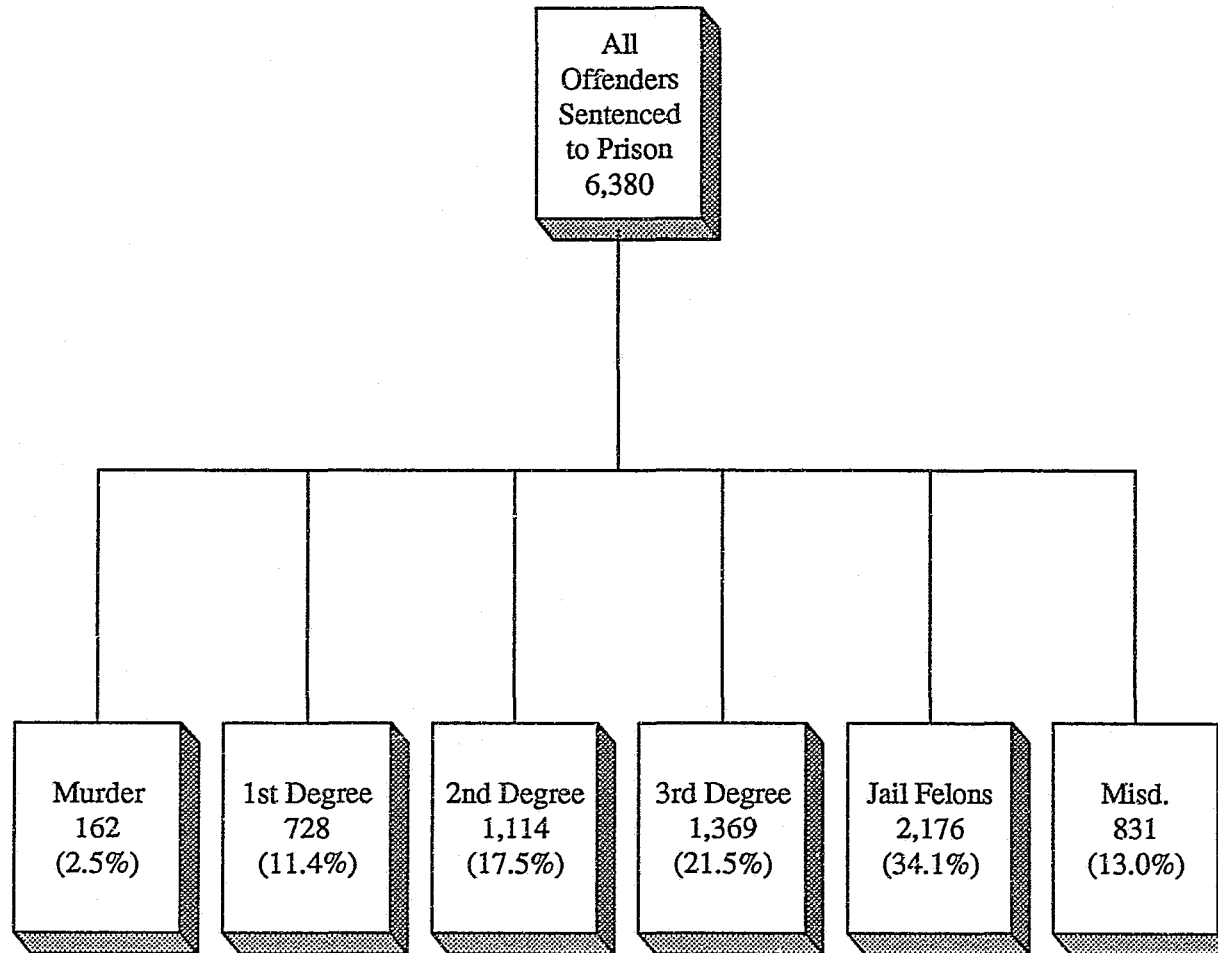


State Jail Felons by Offense and Number in Dallas County

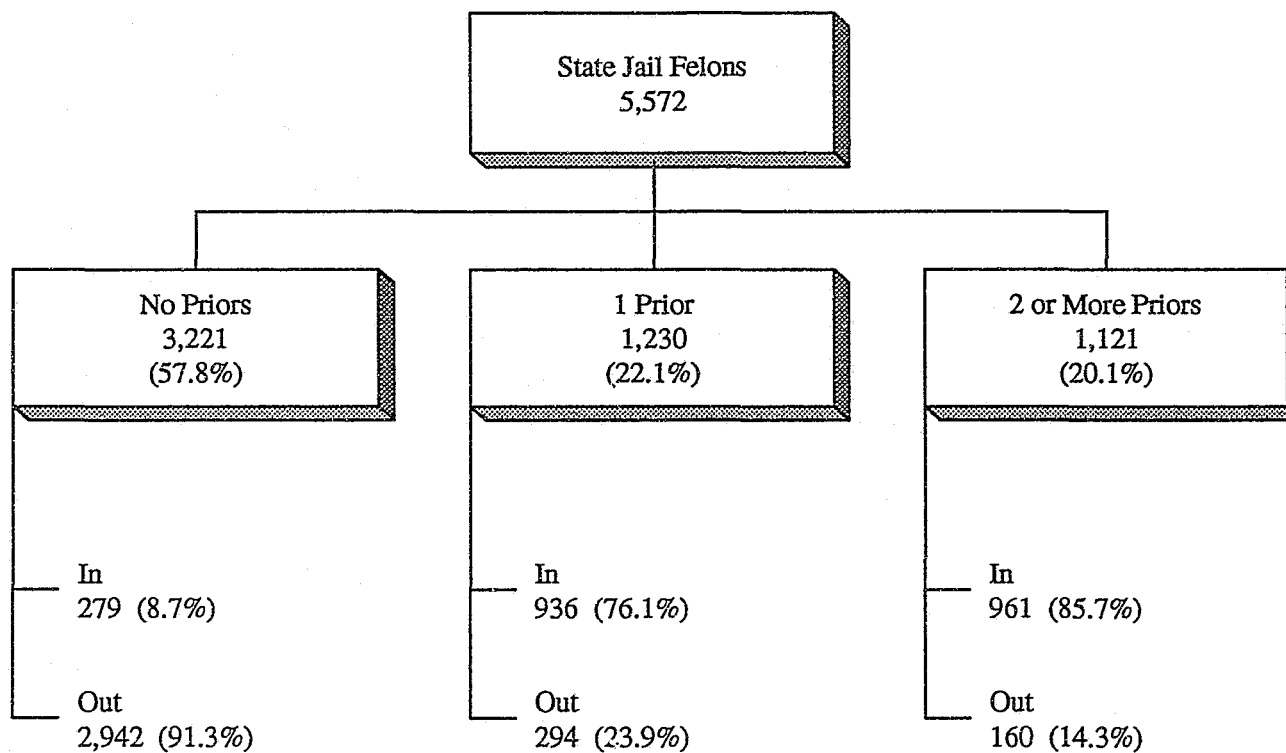


*Note: 0.2% of all Jail Felons fell into other offense categories.

Offenders Sentenced to Prison in Dallas County

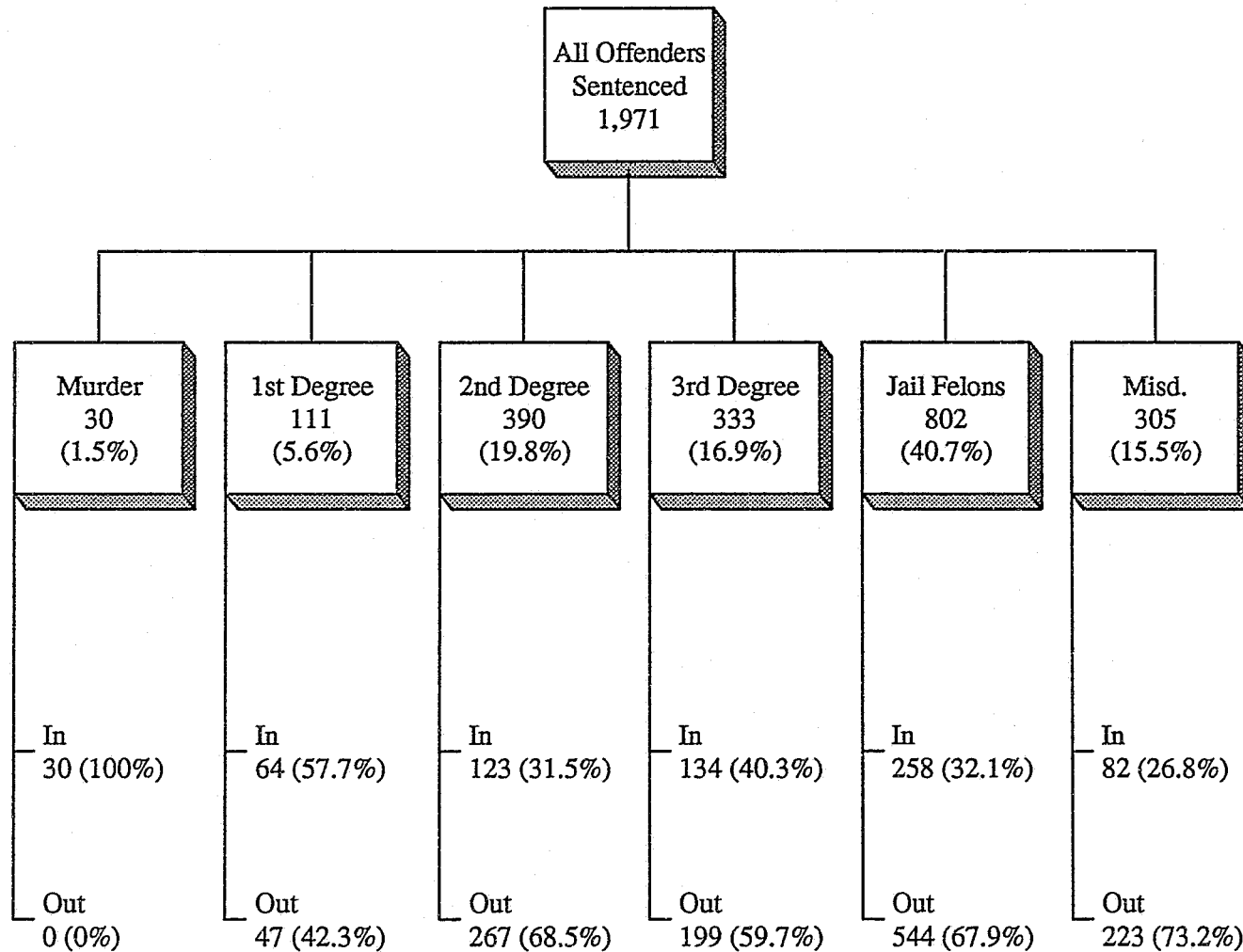


Prior Felony Convictions of State Jail Felons in Dallas County

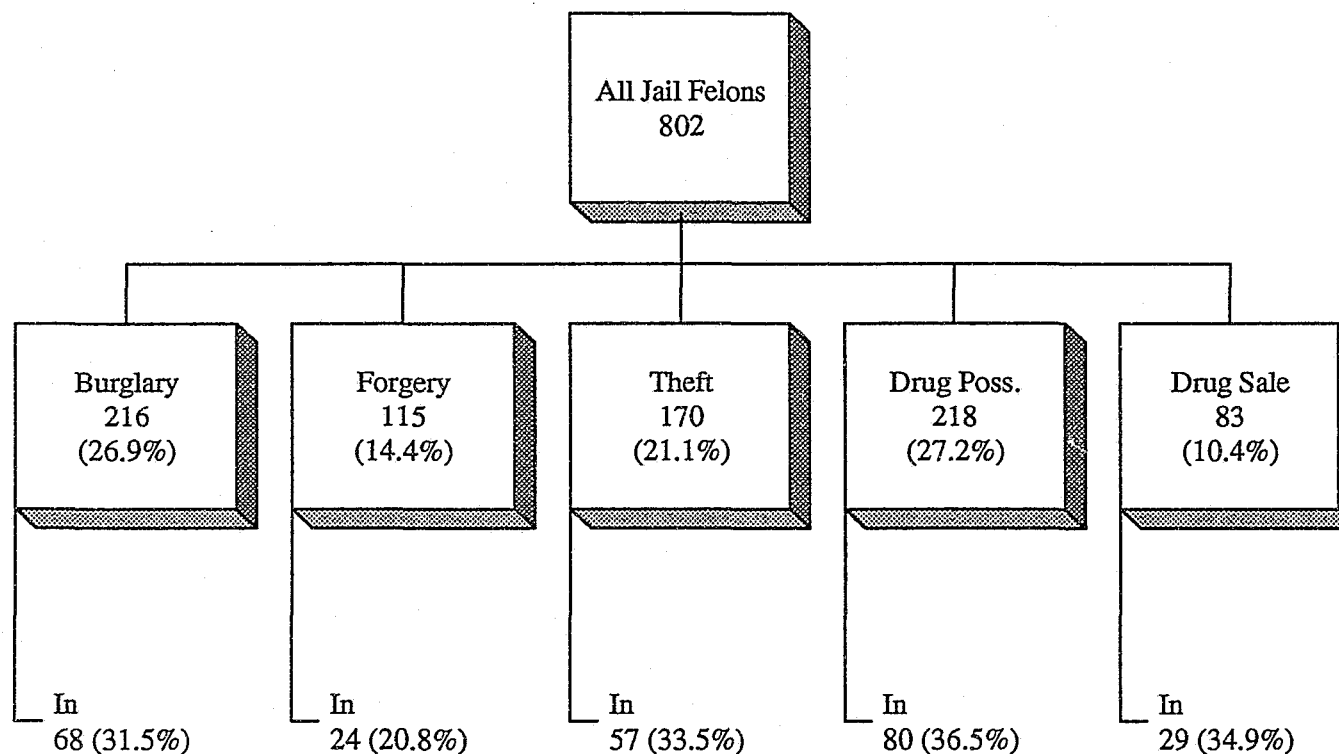


State Jail Felon Estimates: El Paso County

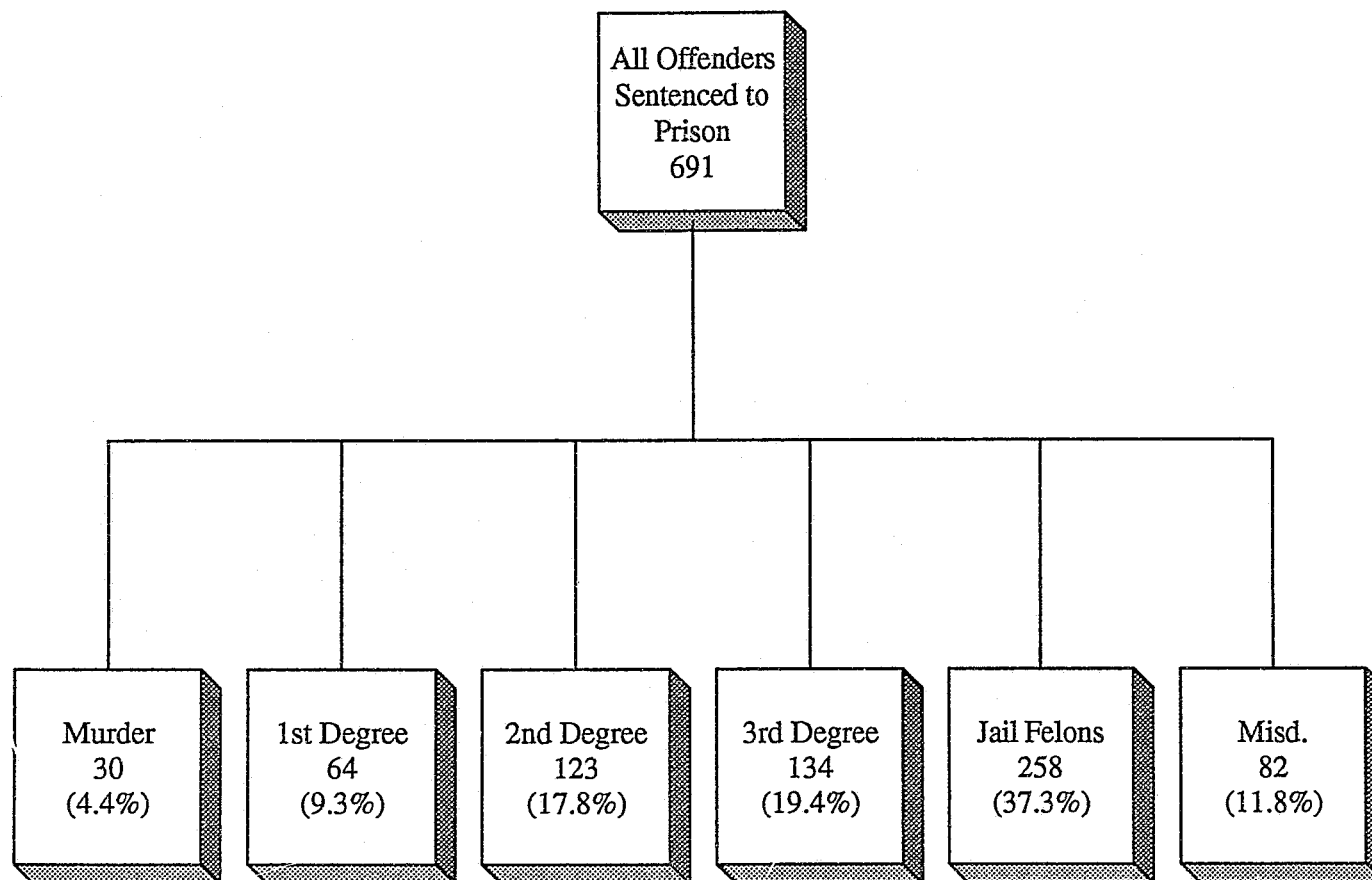
Offenders Sentenced in El Paso County



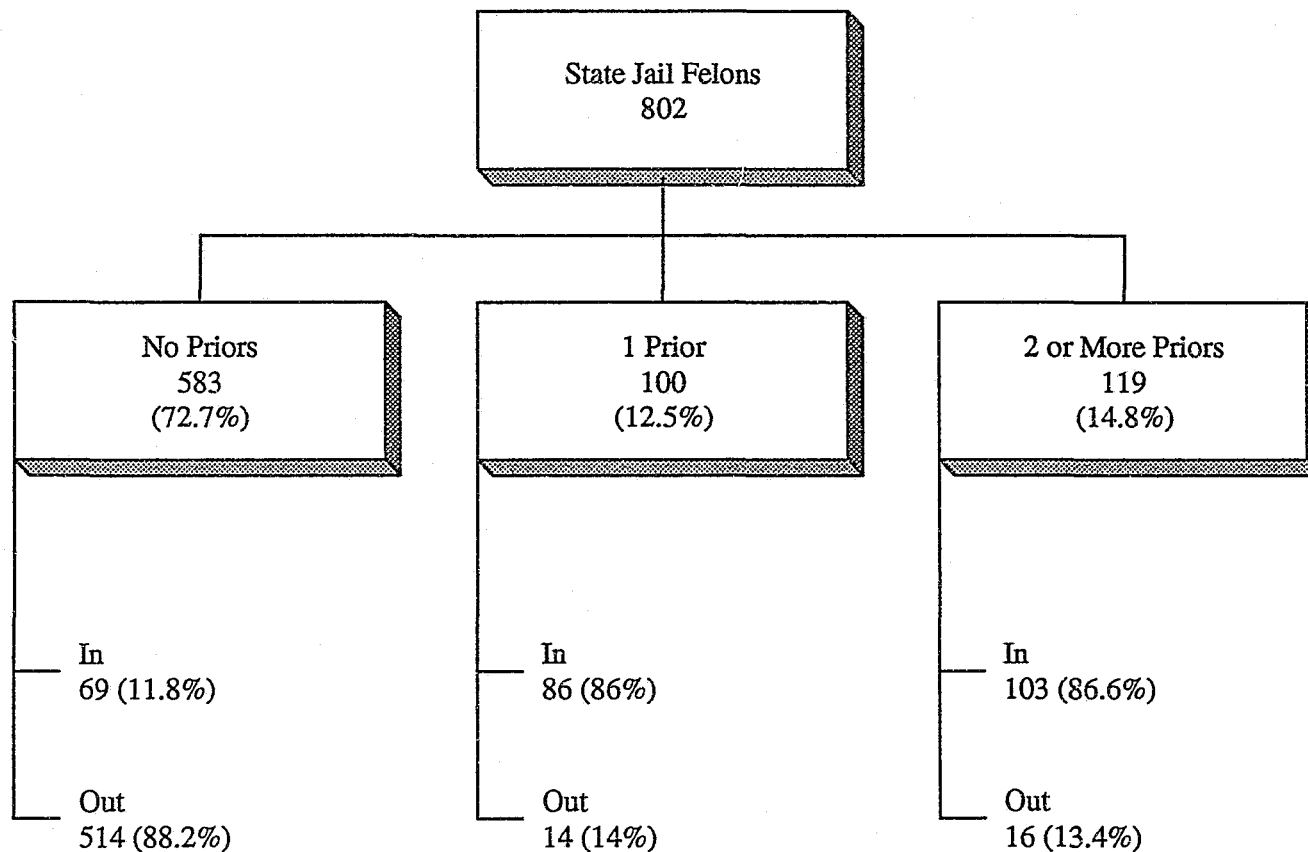
State Jail Felons by Offense and Number in El Paso County



Offenders Sentenced to Prison in El Paso County

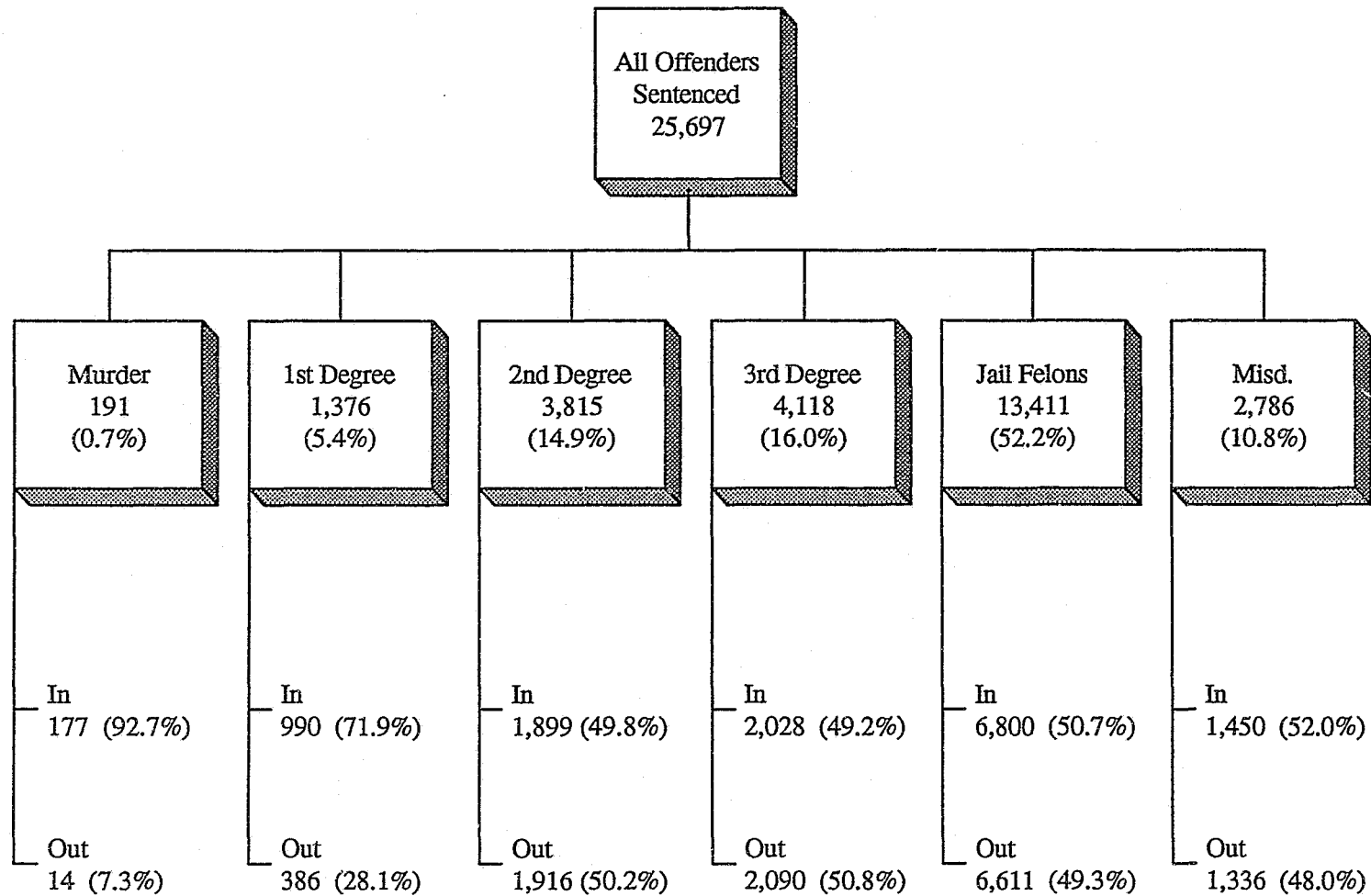


Prior Felony Convictions of State Jail Felons in El Paso

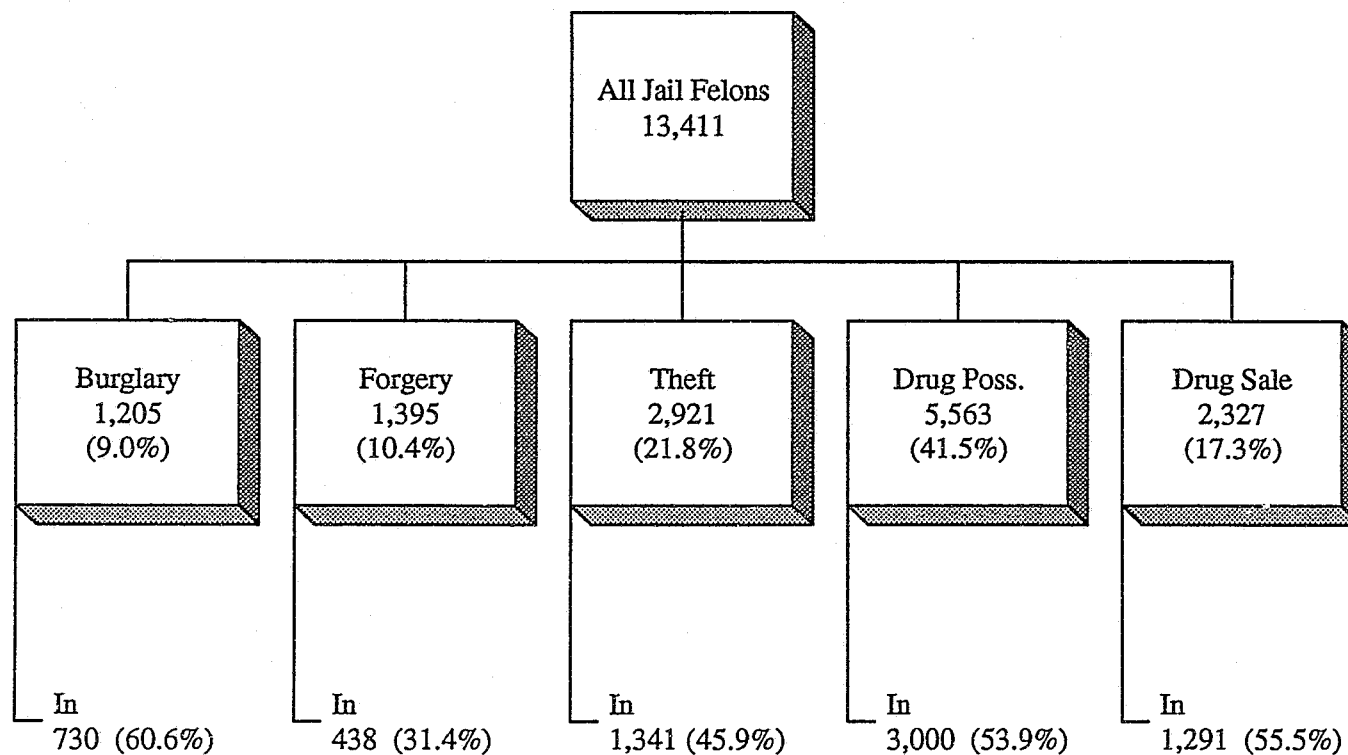


State Jail Felon Estimates: Harris County

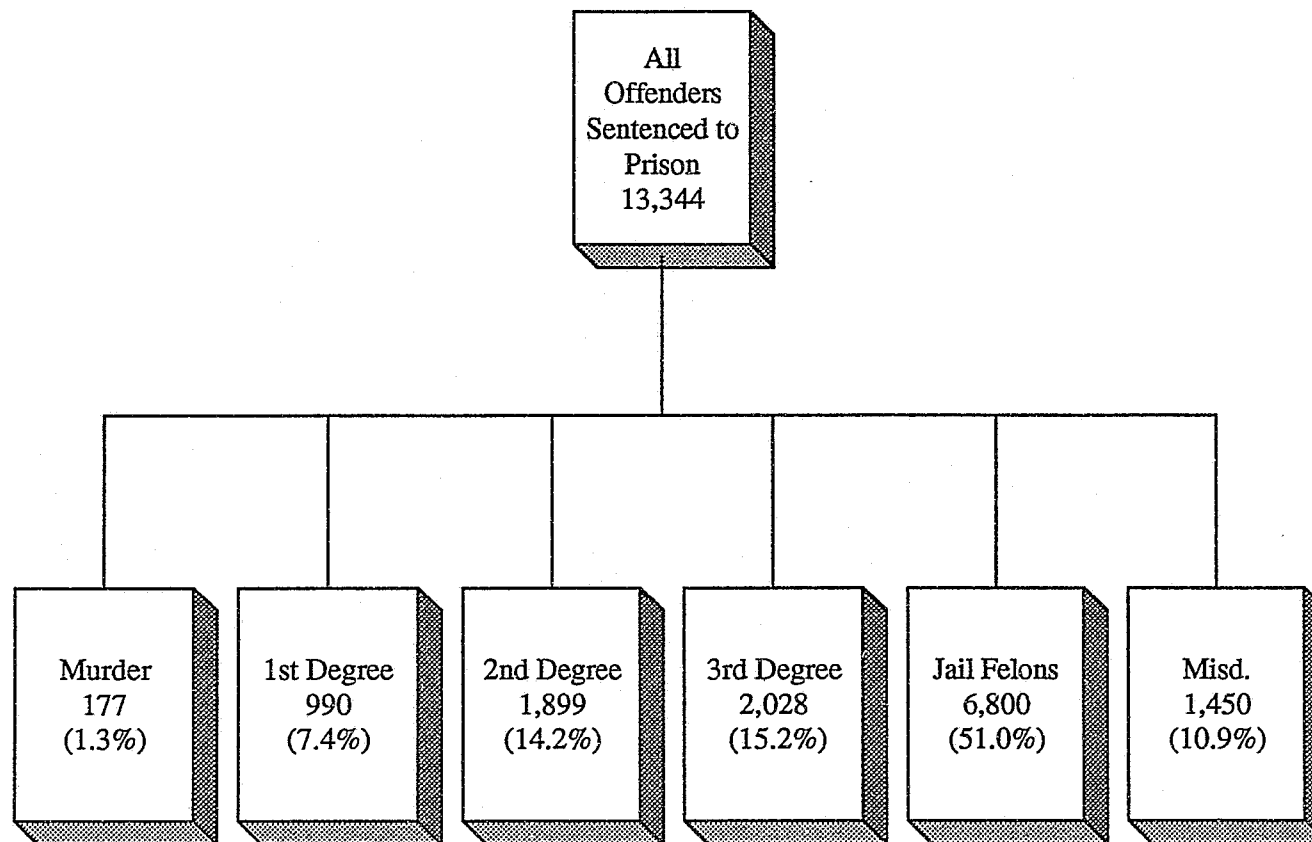
Offenders Sentenced in Harris County



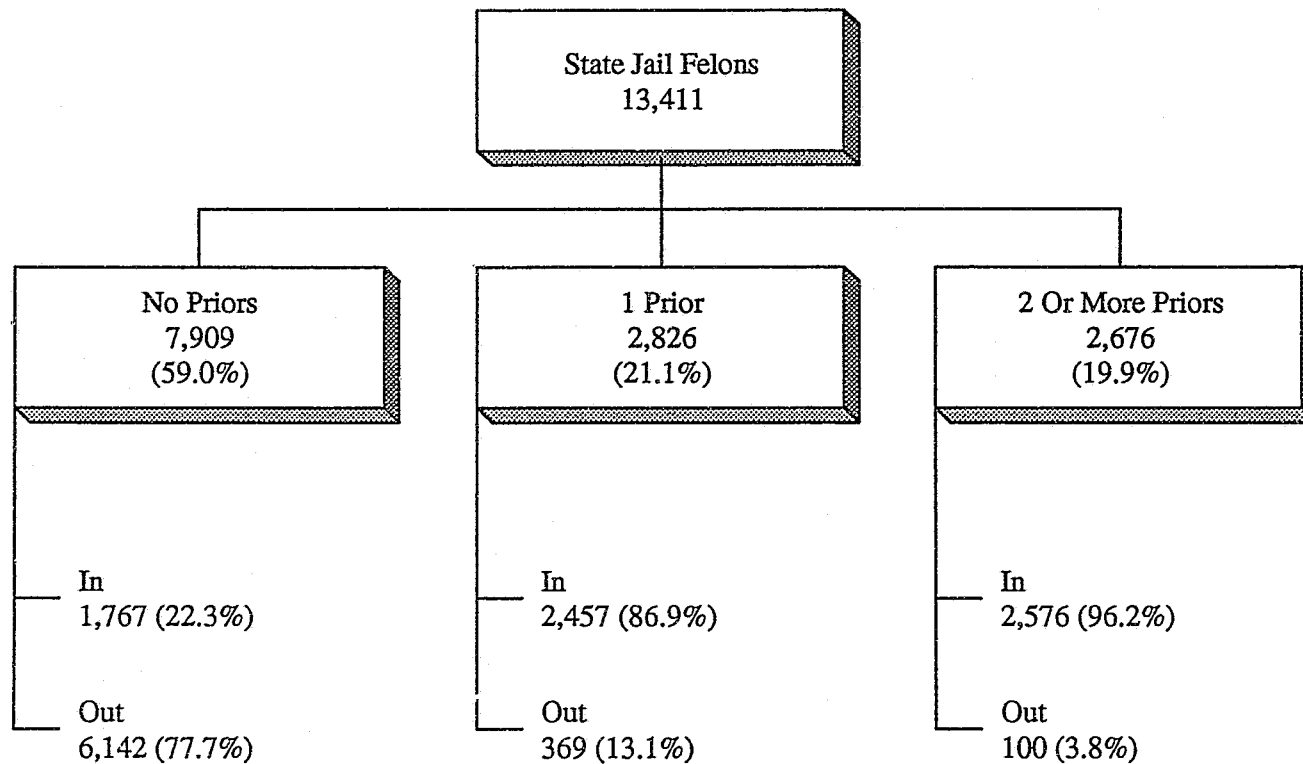
State Jail Felons by Offense and Number in Harris County



Offenders Sentenced to Prison in Harris County

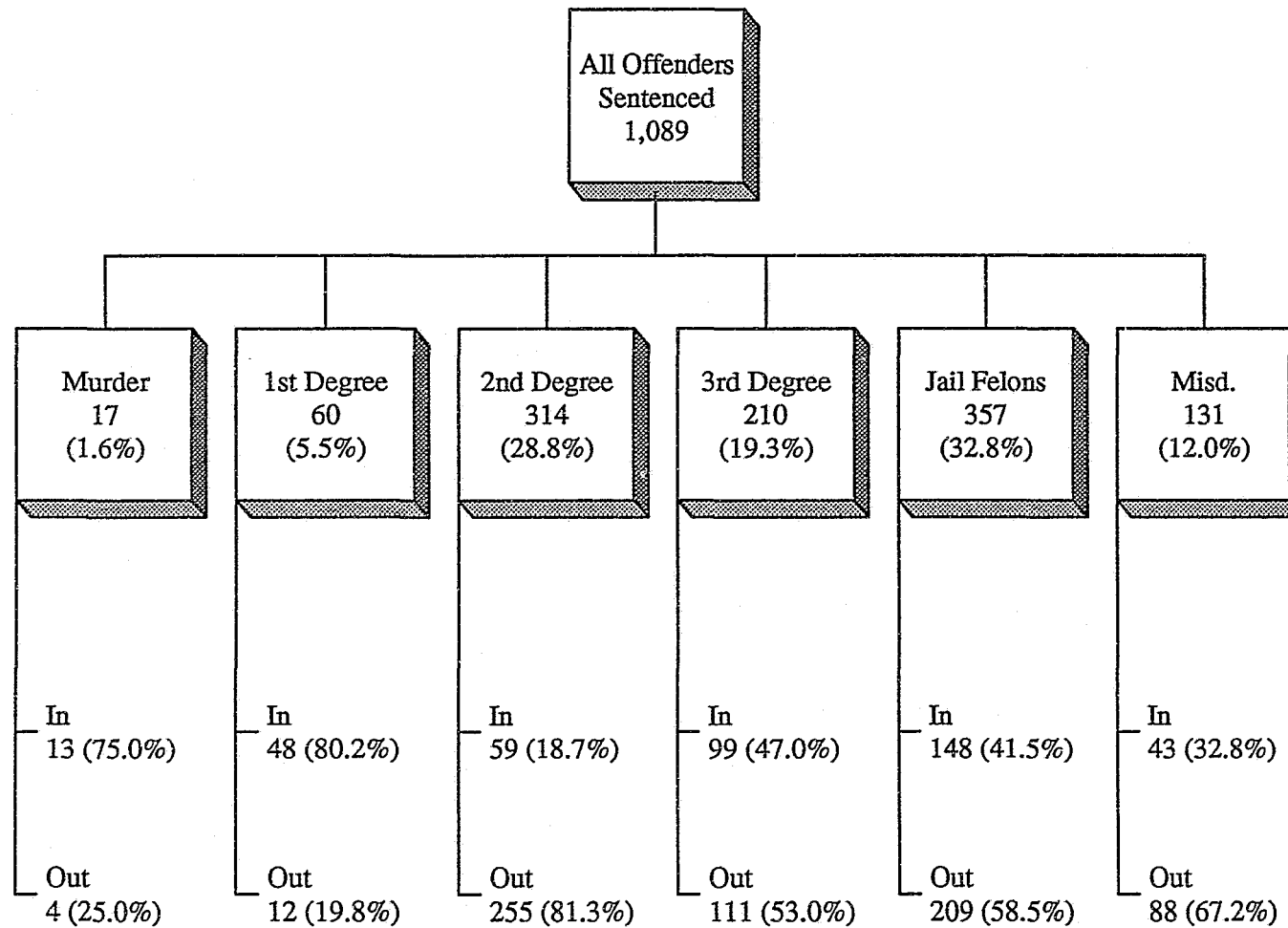


Prior Felony Convictions of State Jail Felons in Harris County

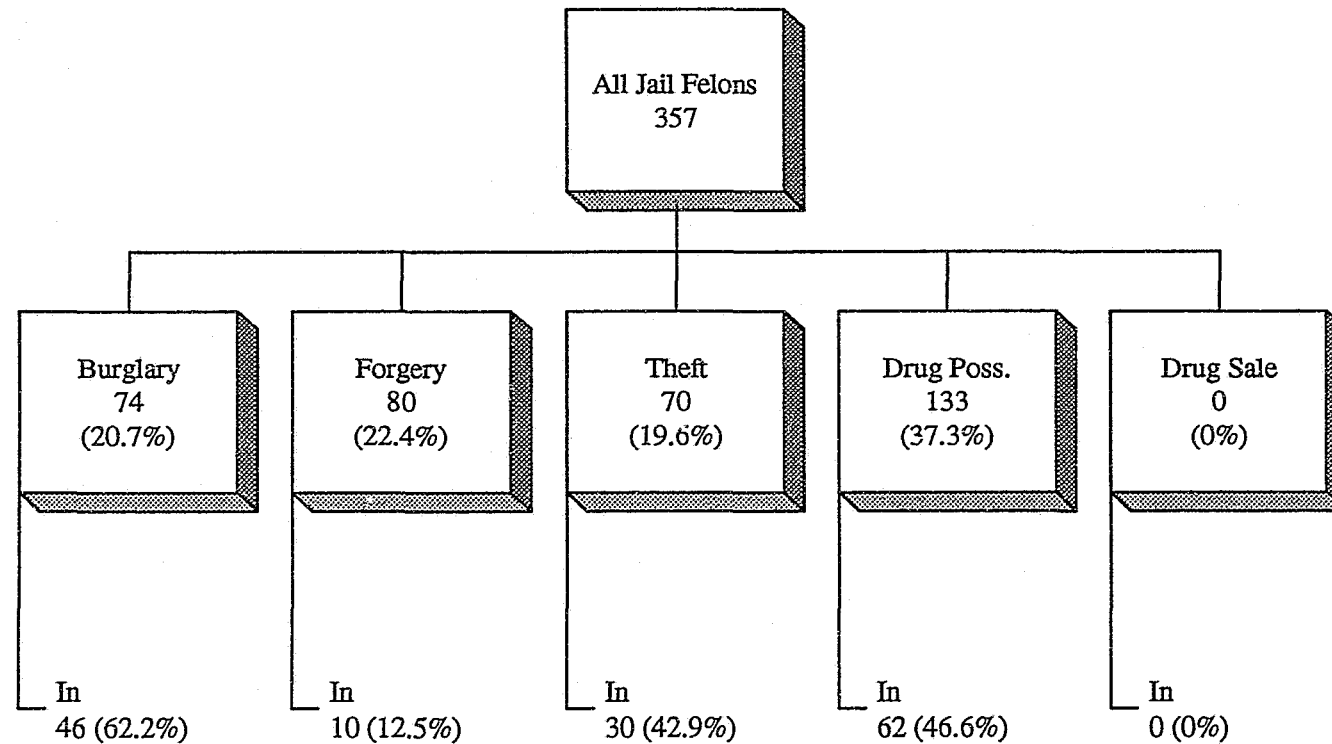


State Jail Felon Estimates: Hidalgo County

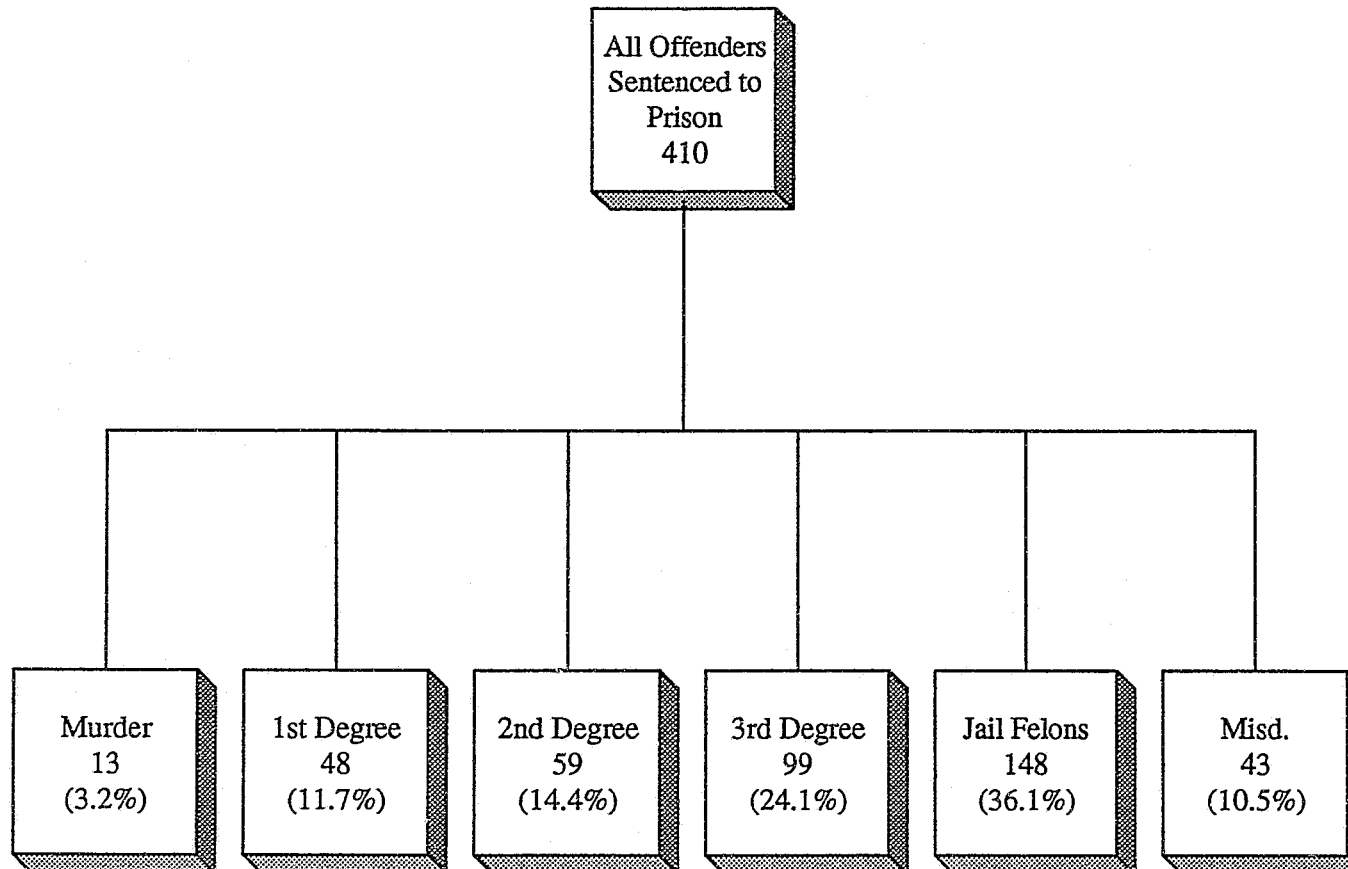
Offenders Sentenced in Hidalgo County



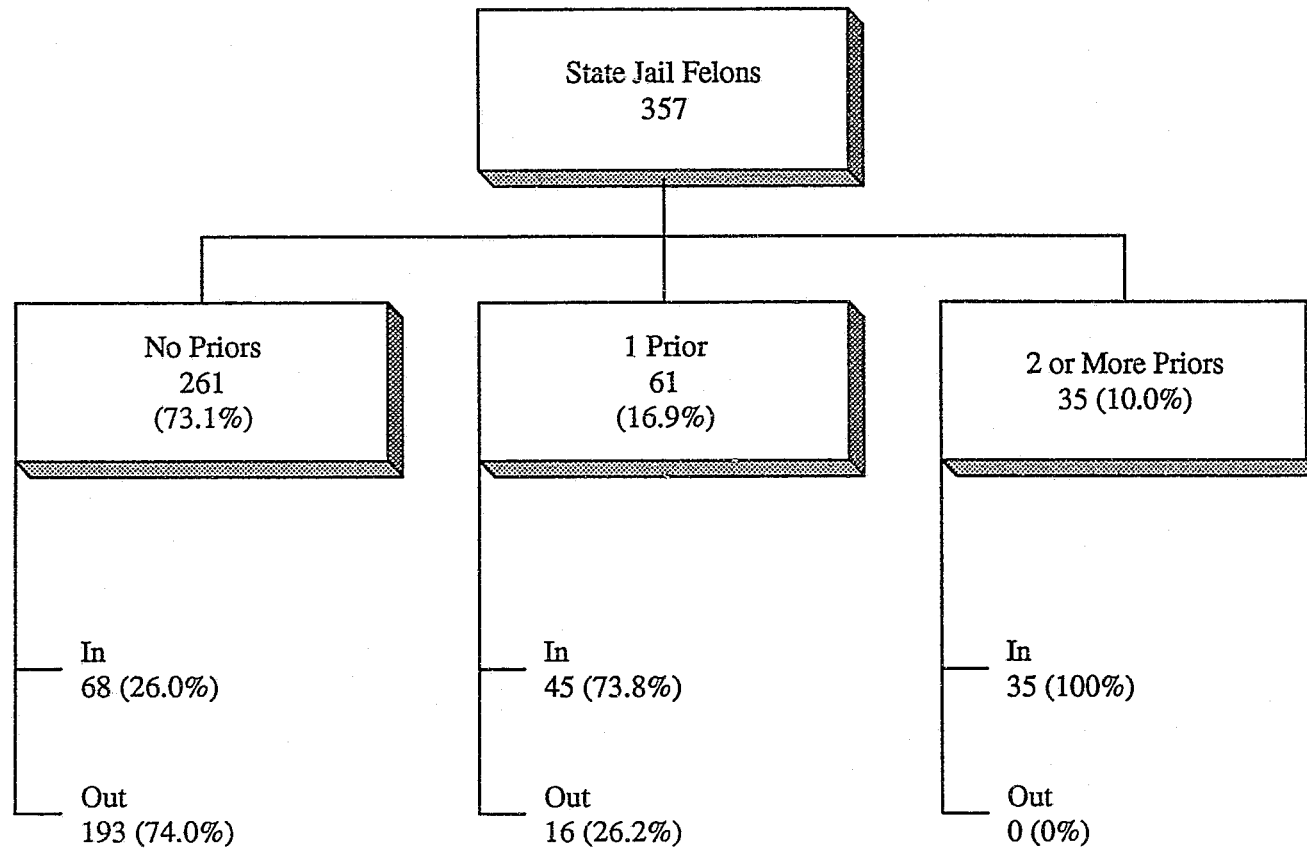
State Jail Felons by Offense and Number in Hidalgo County



Offenders Sentenced to Prison in Hidalgo County

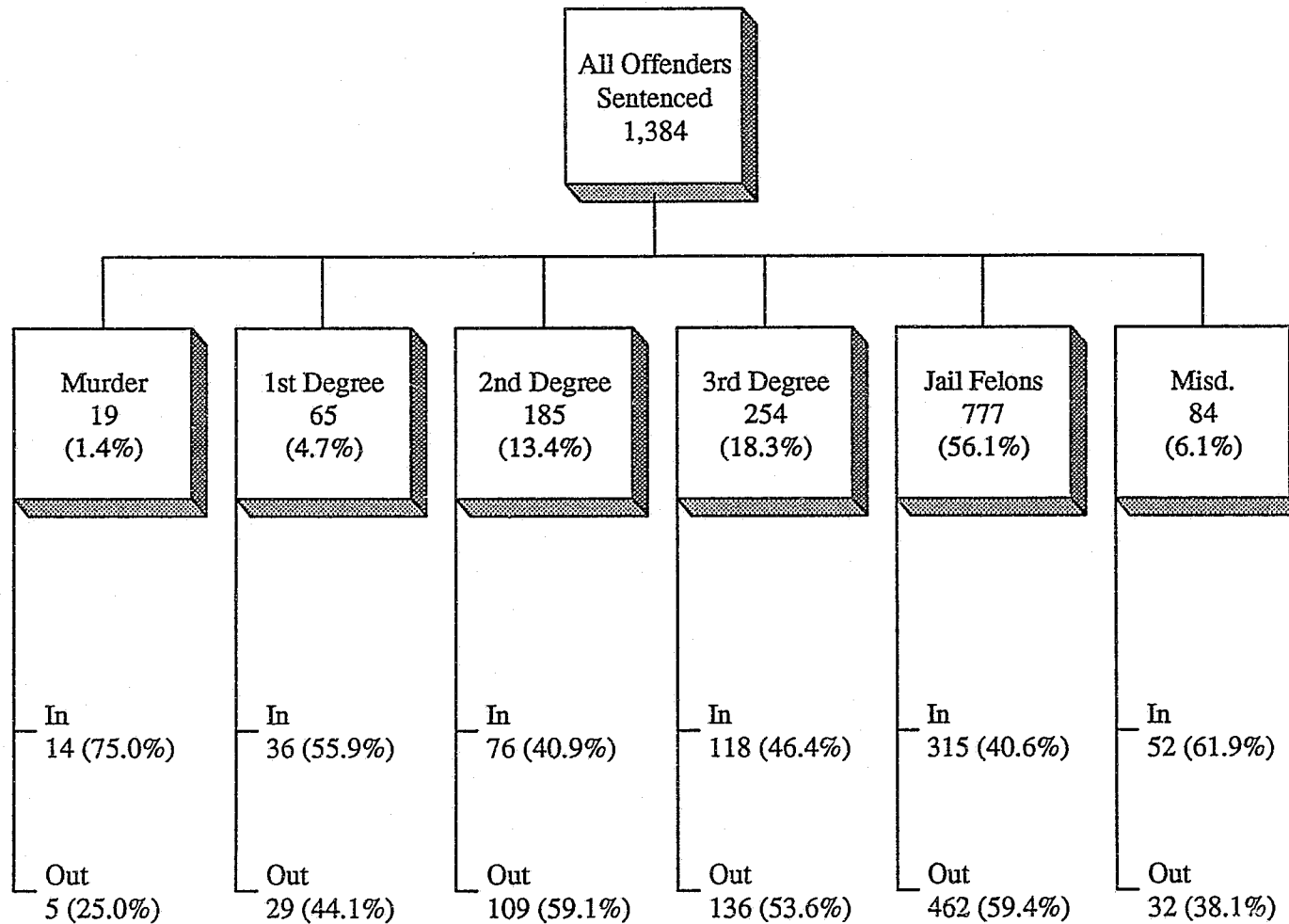


Prior Felony Convictions of State Jail Felons in Hidalgo County

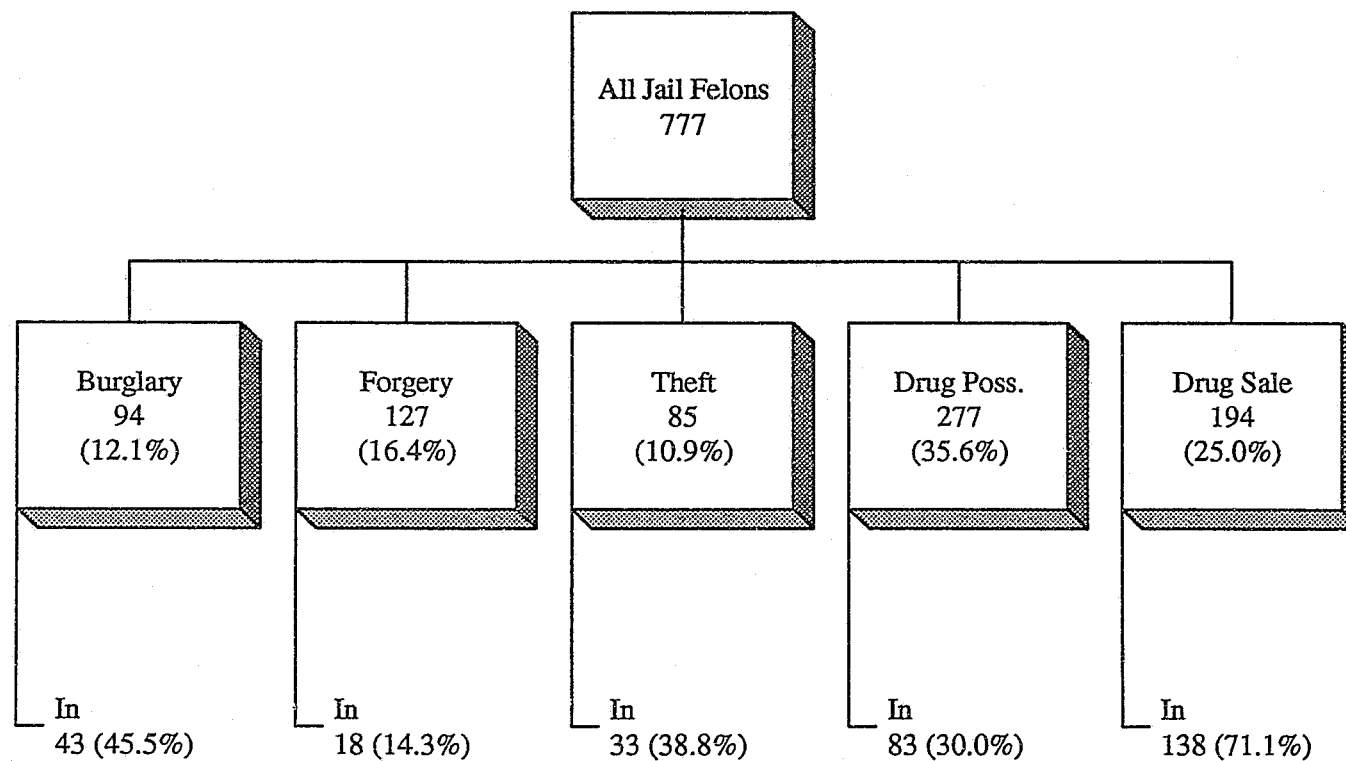


State Jail Felon Estimates: Jefferson County

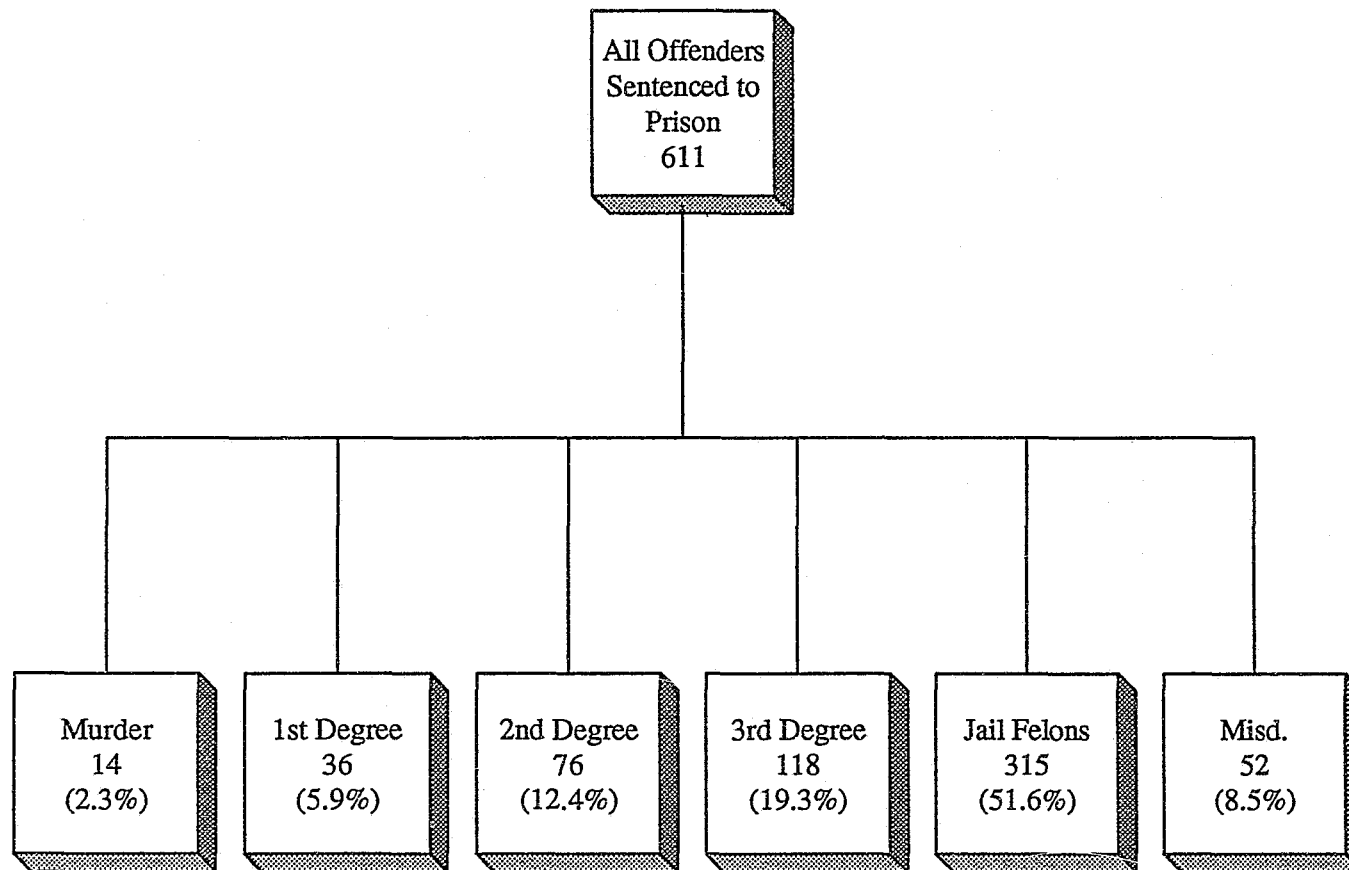
Offenders Sentenced in Jefferson County



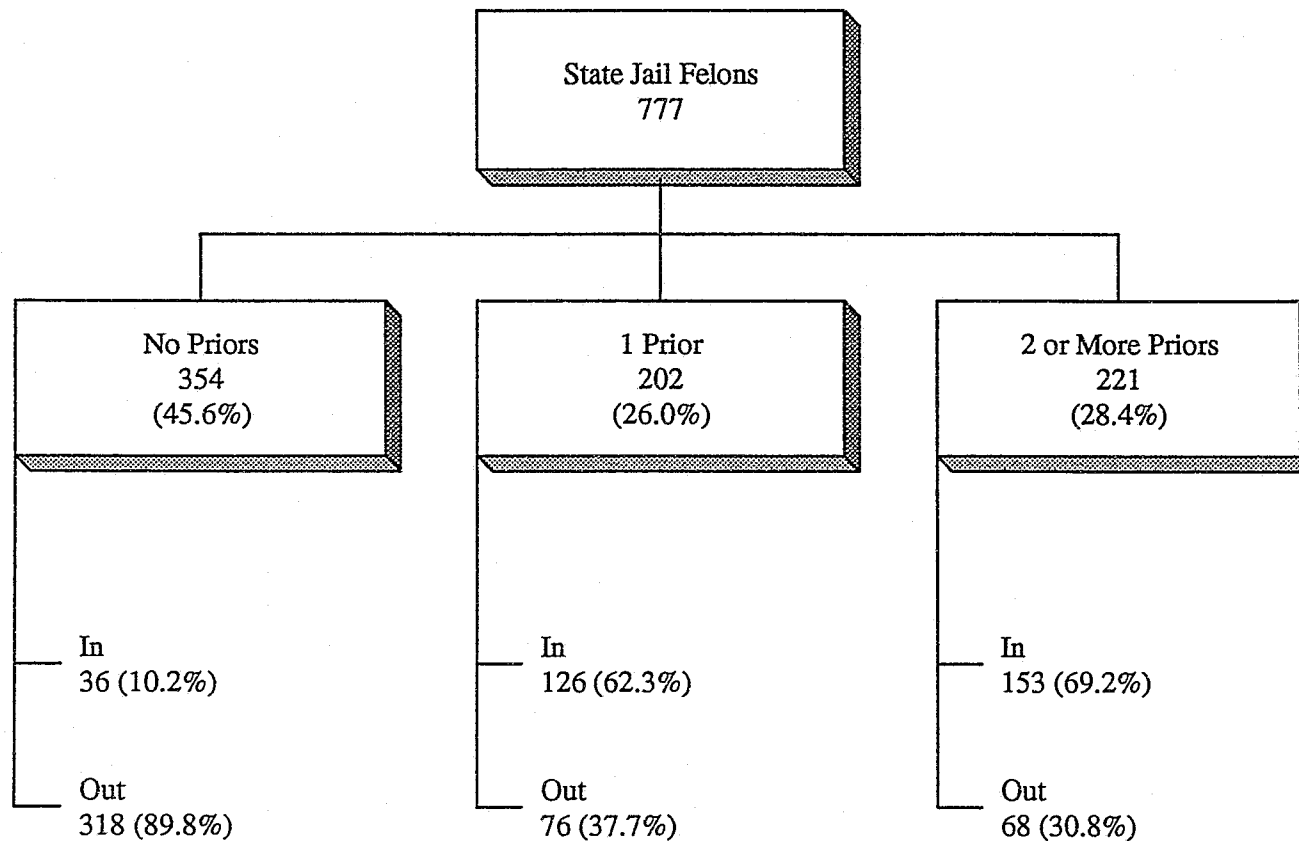
State Jail Felons by Offense and Number in Jefferson County



Offenders Sentenced to Prison in Jefferson County

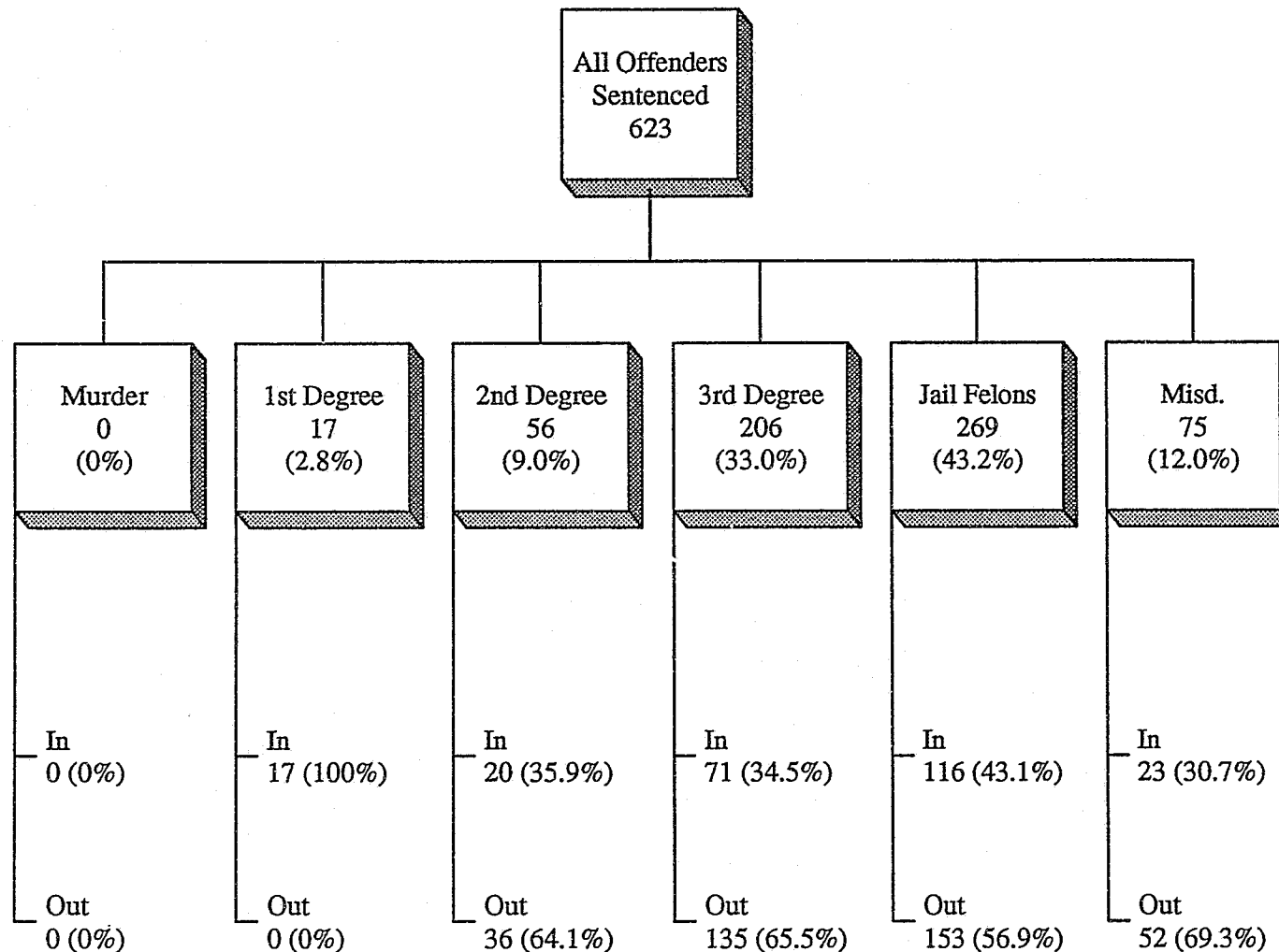


Prior Felony Convictions of State Jail Felons in Jefferson County

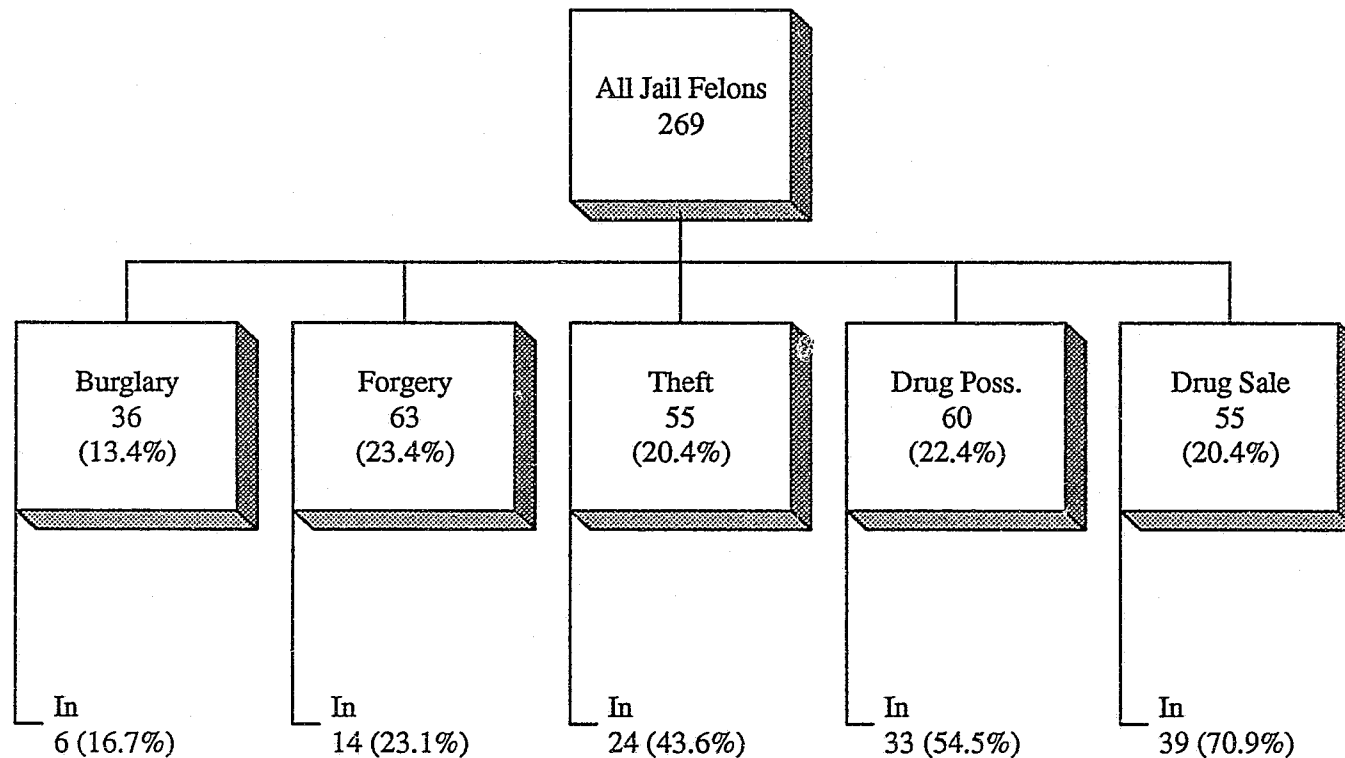


State Jail Felon Estimates: Midland County

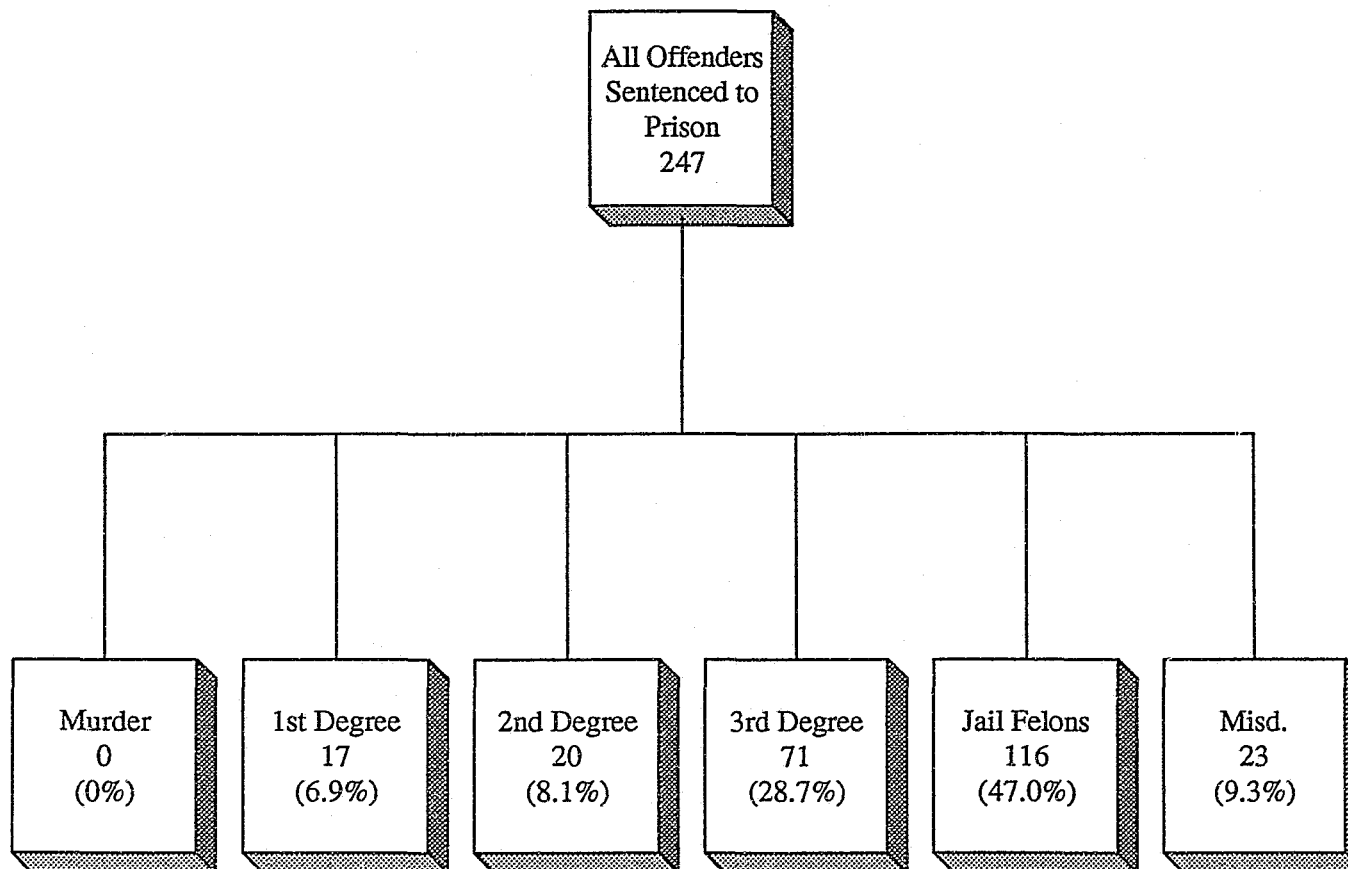
Offenders Sentenced in Midland County



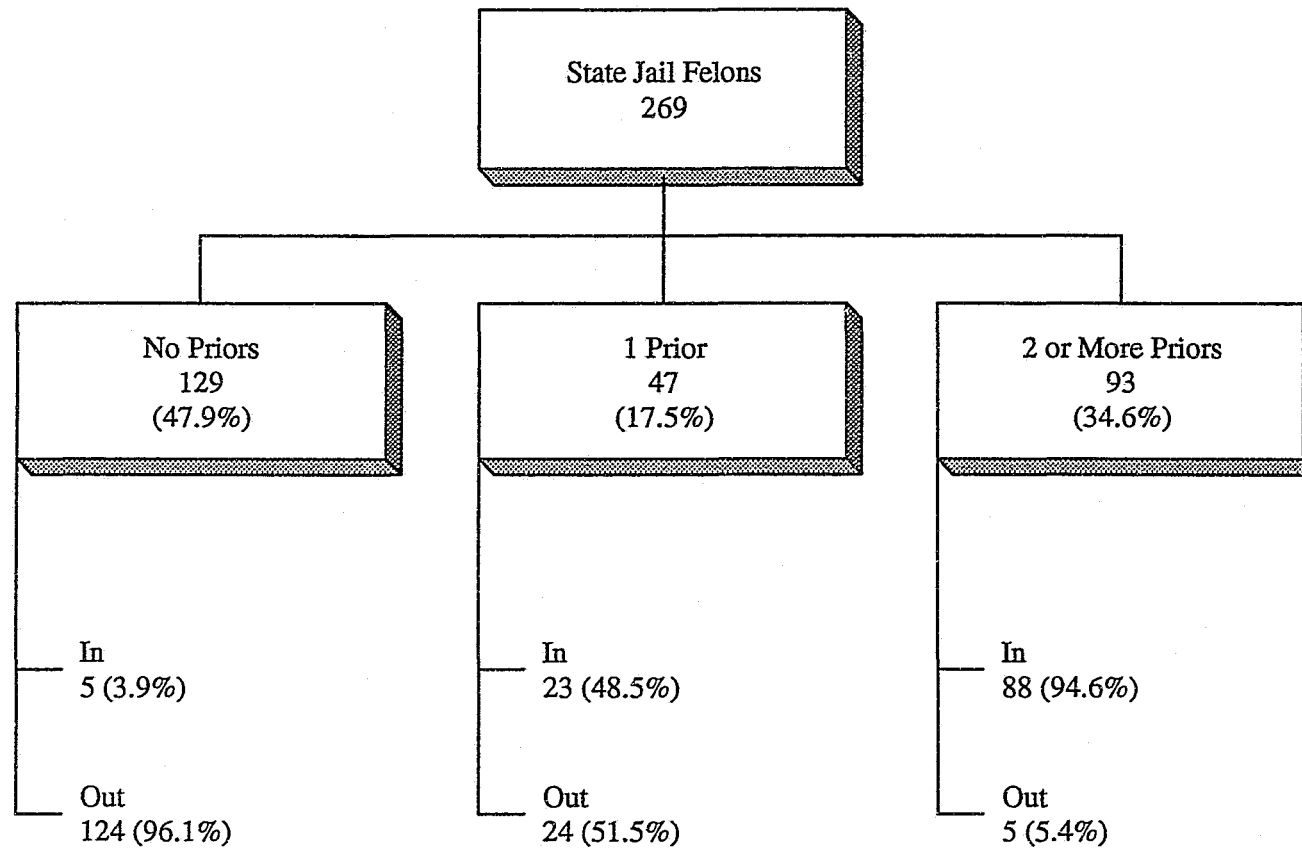
State Jail Felons by Offense and Number in Midland County



Offenders Sentenced to Prison in Midland County

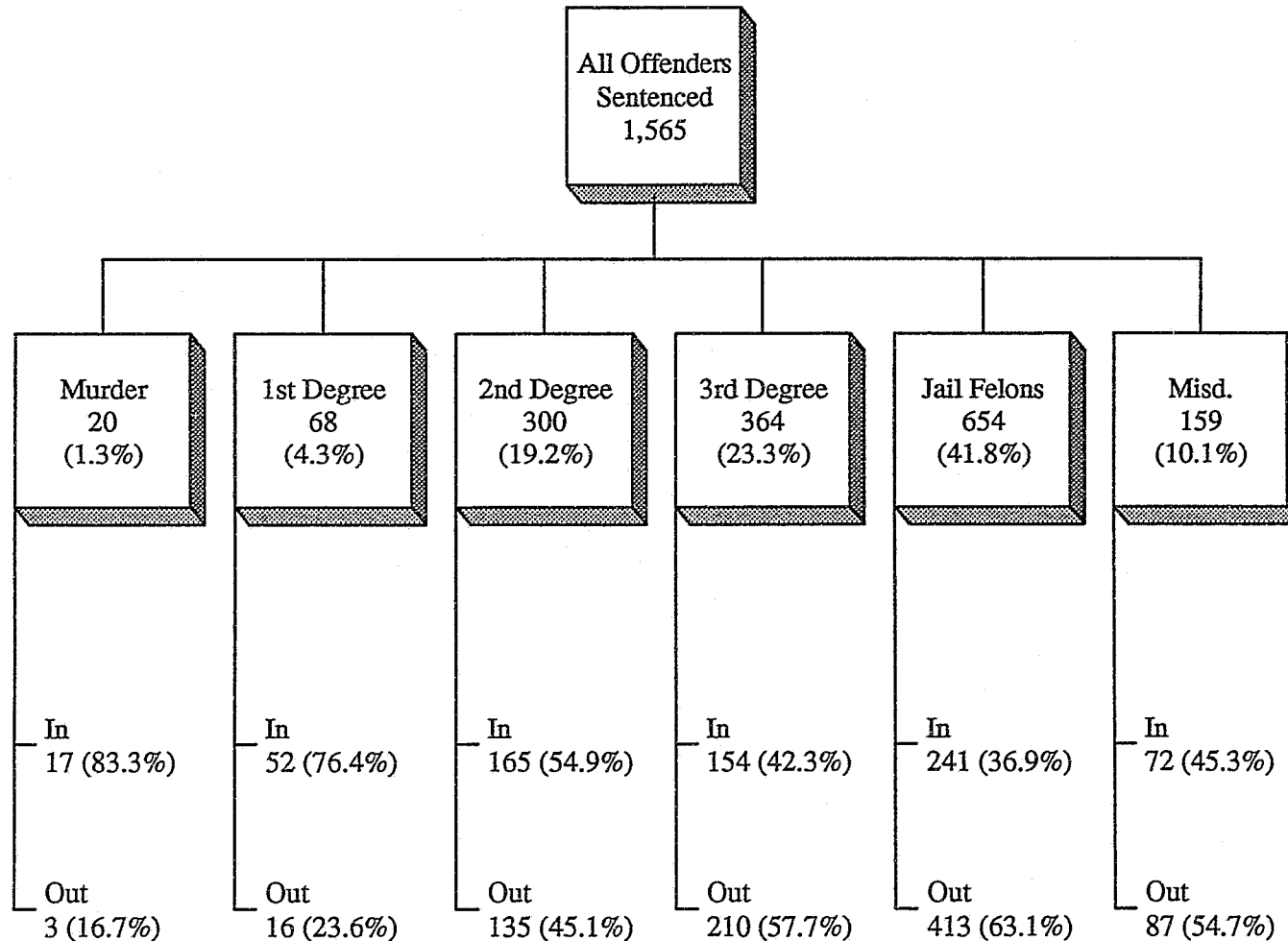


Prior Felony Convictions of State Jail Felons in Midland County

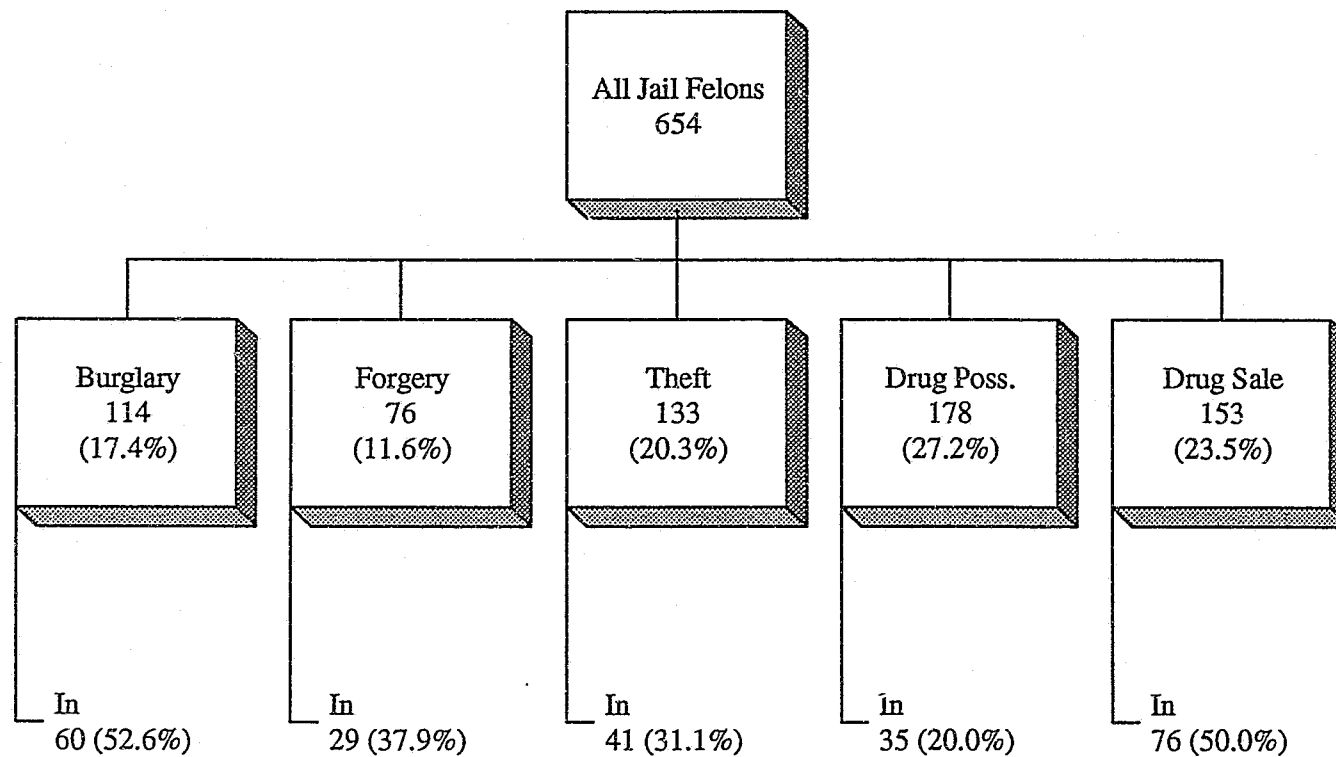


State Jail Felon Estimates: Nueces County

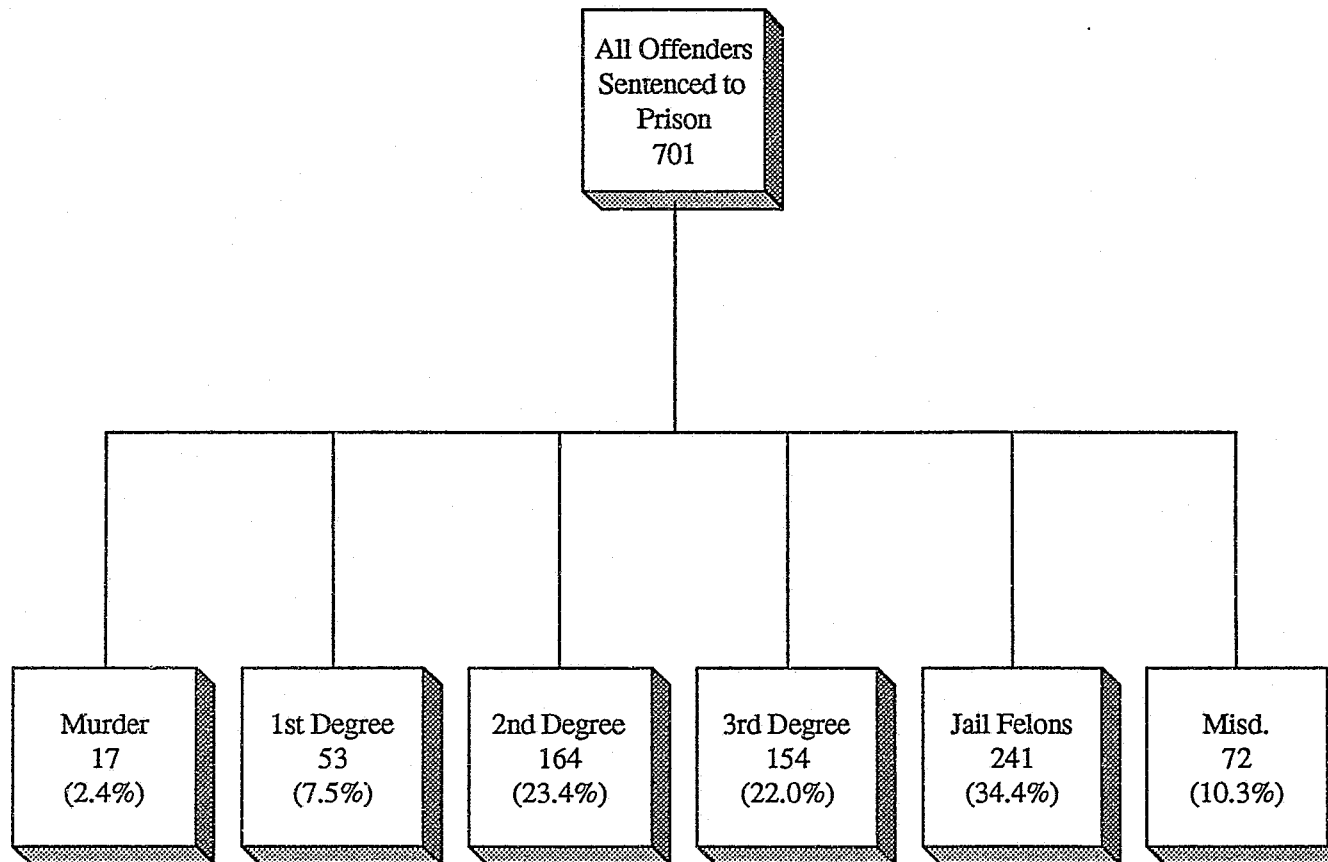
Offenders Sentenced in Nueces County



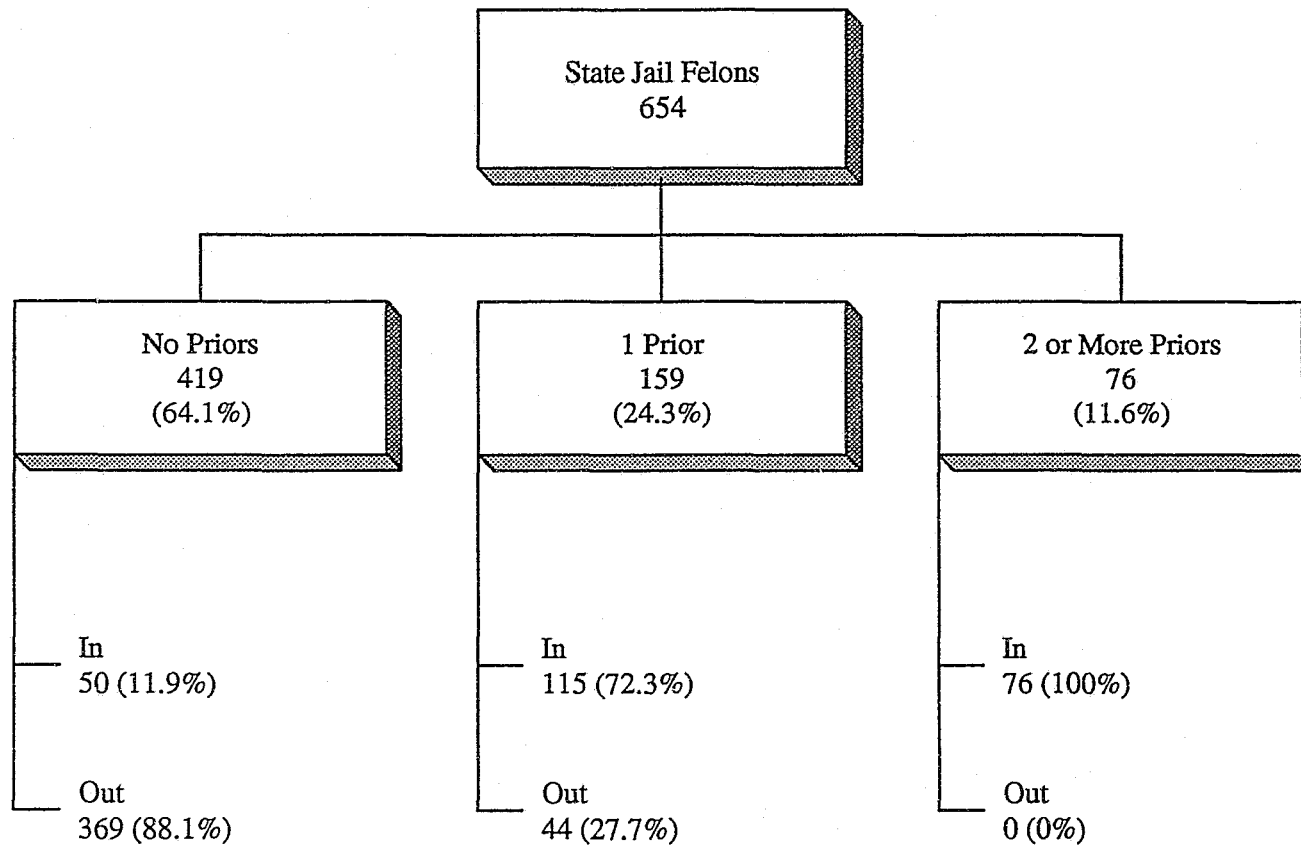
State Jail Felons by Offense and Number in Nueces County



Offenders Sentenced to Prison in Nueces County

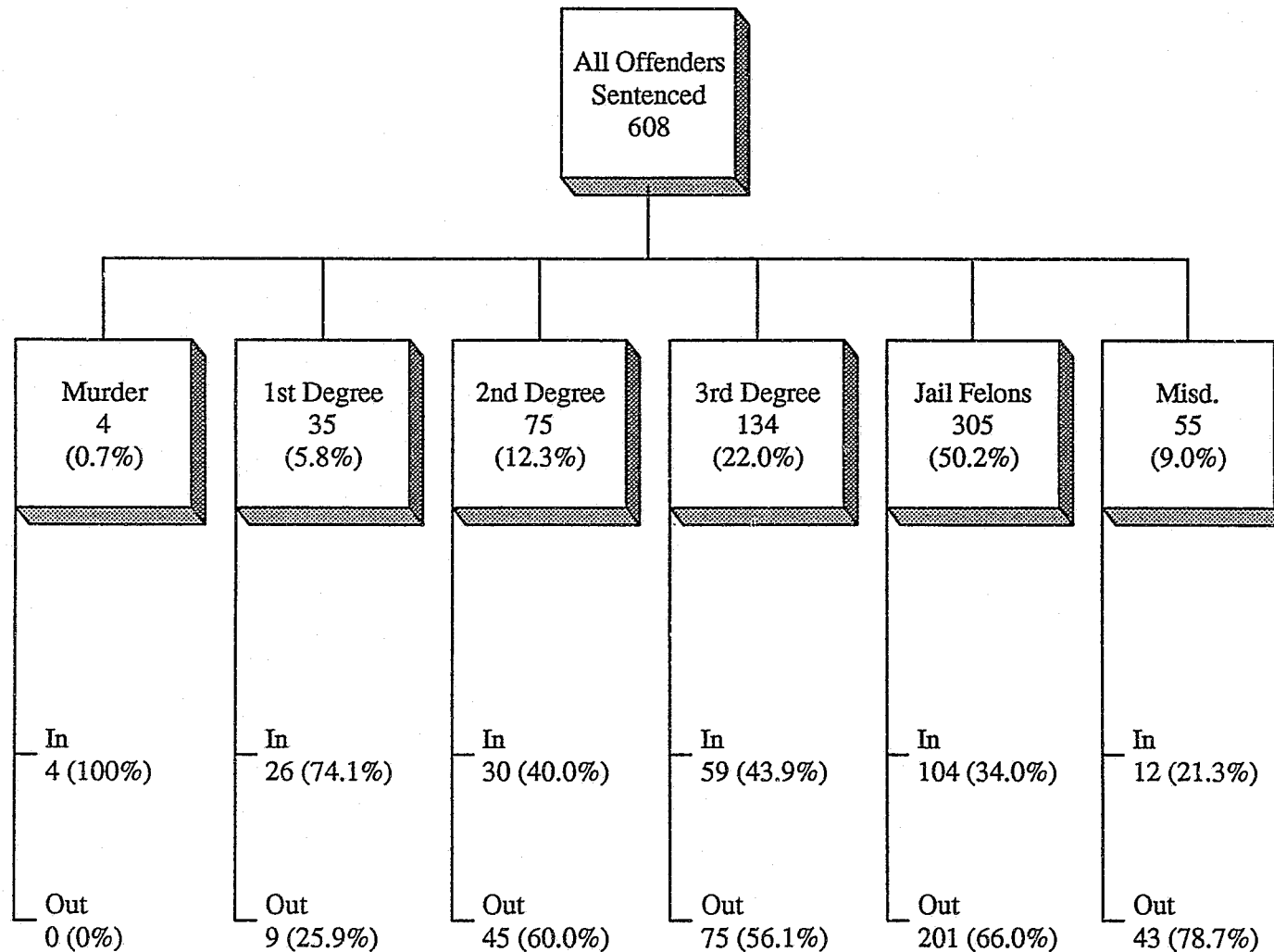


Prior Felony Convictions of State Jail Felons in Nueces County

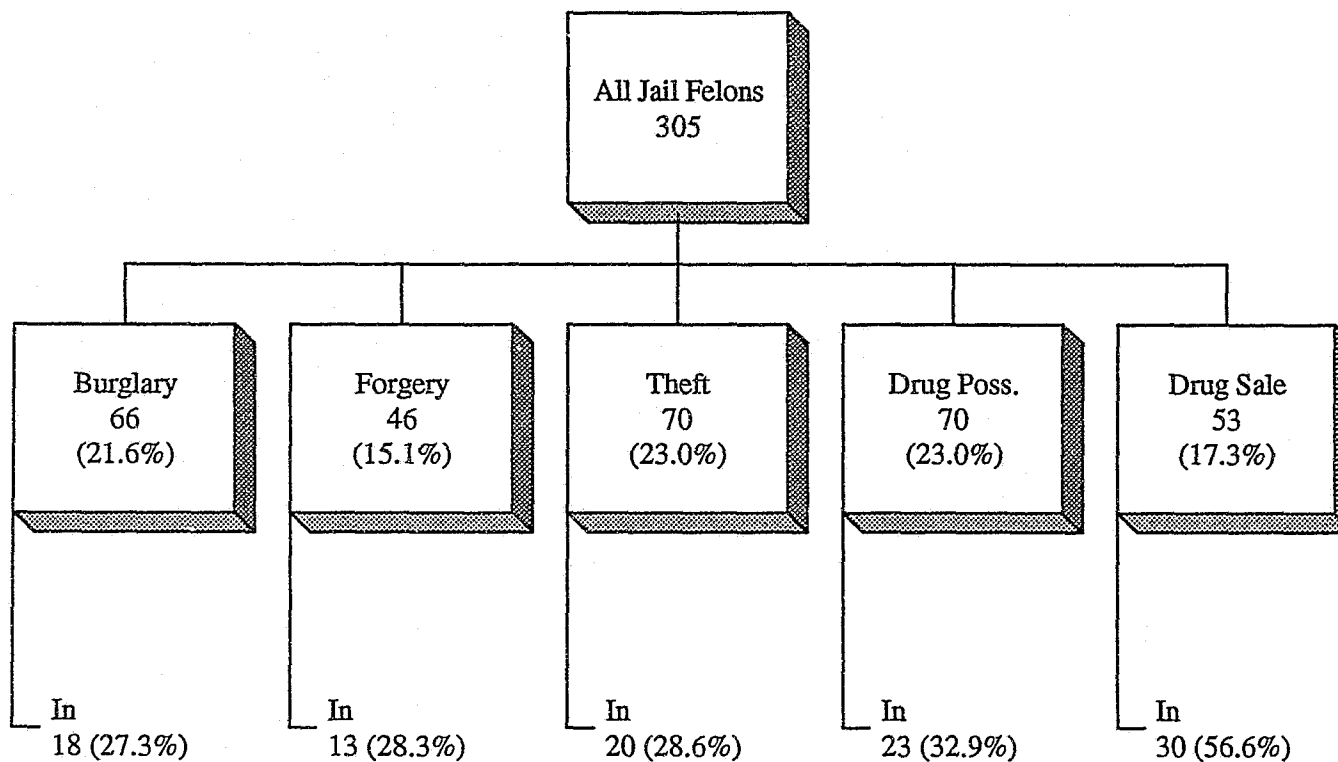


State Jail Felon Estimates: Smith County

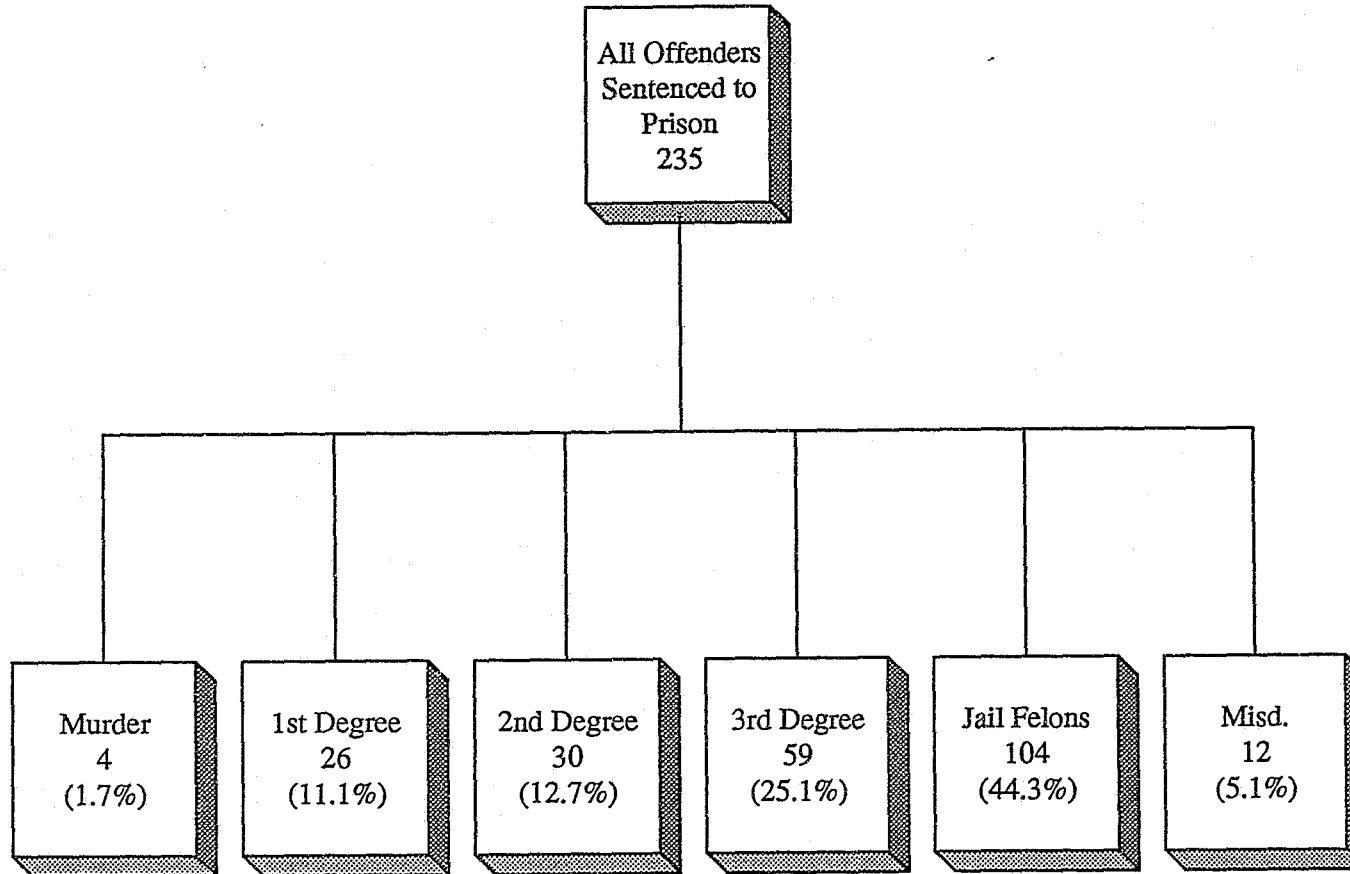
Offenders Sentenced in Smith County



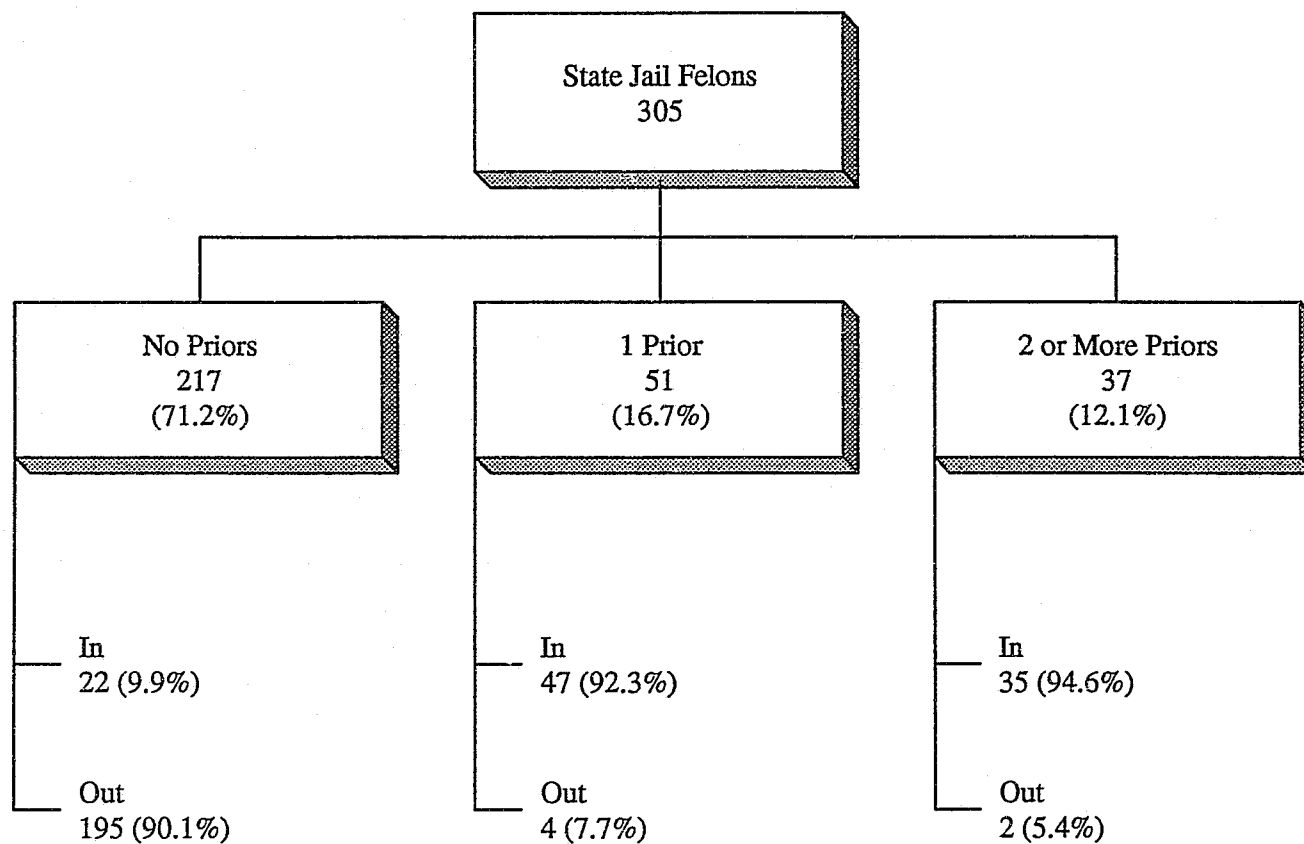
State Jail Felons by Offense and Number in Smith County



Offenders Sentenced to Prison in Smith County

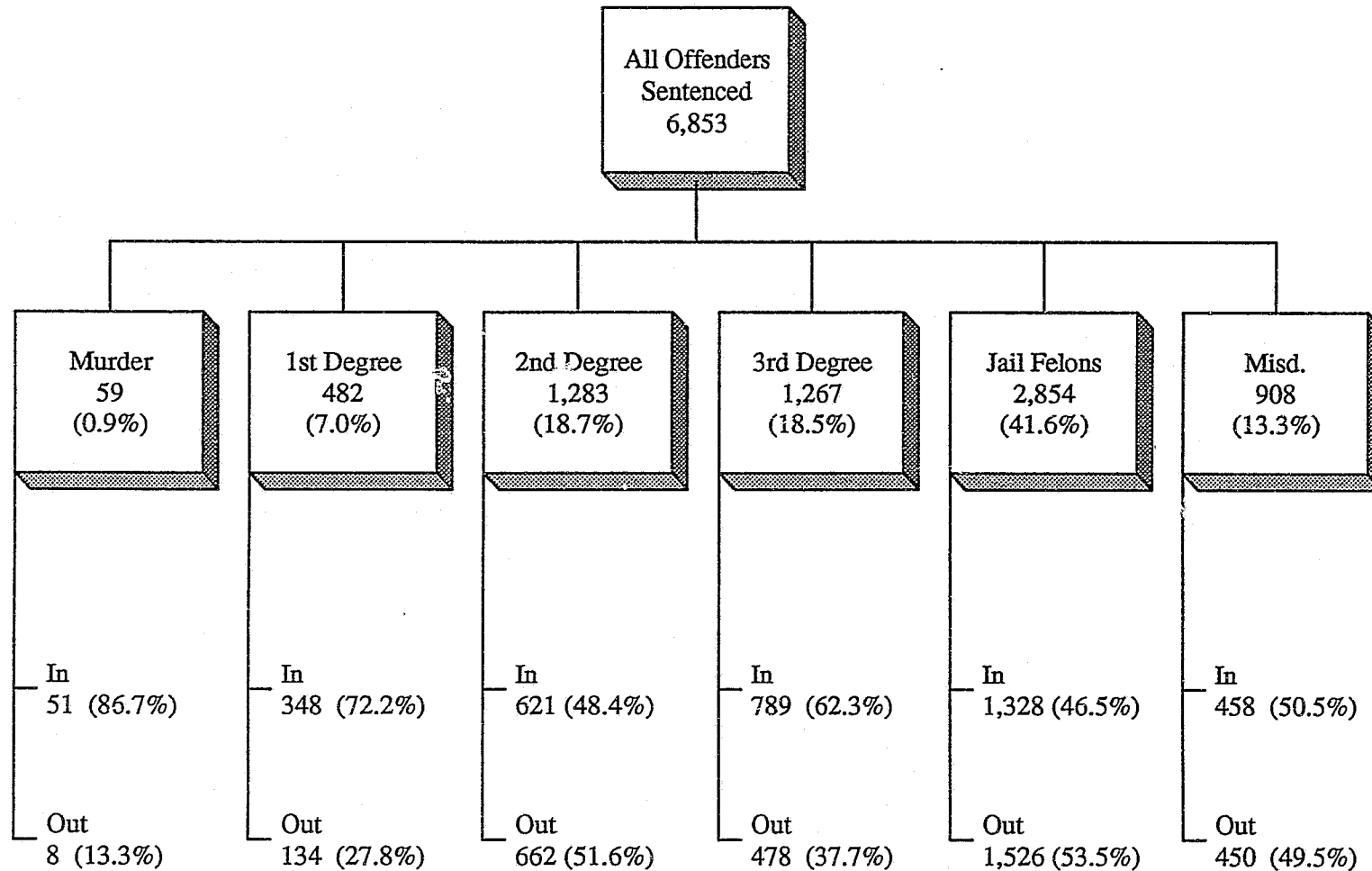


Prior Felony Convictions of State Jail Felons in Smith County

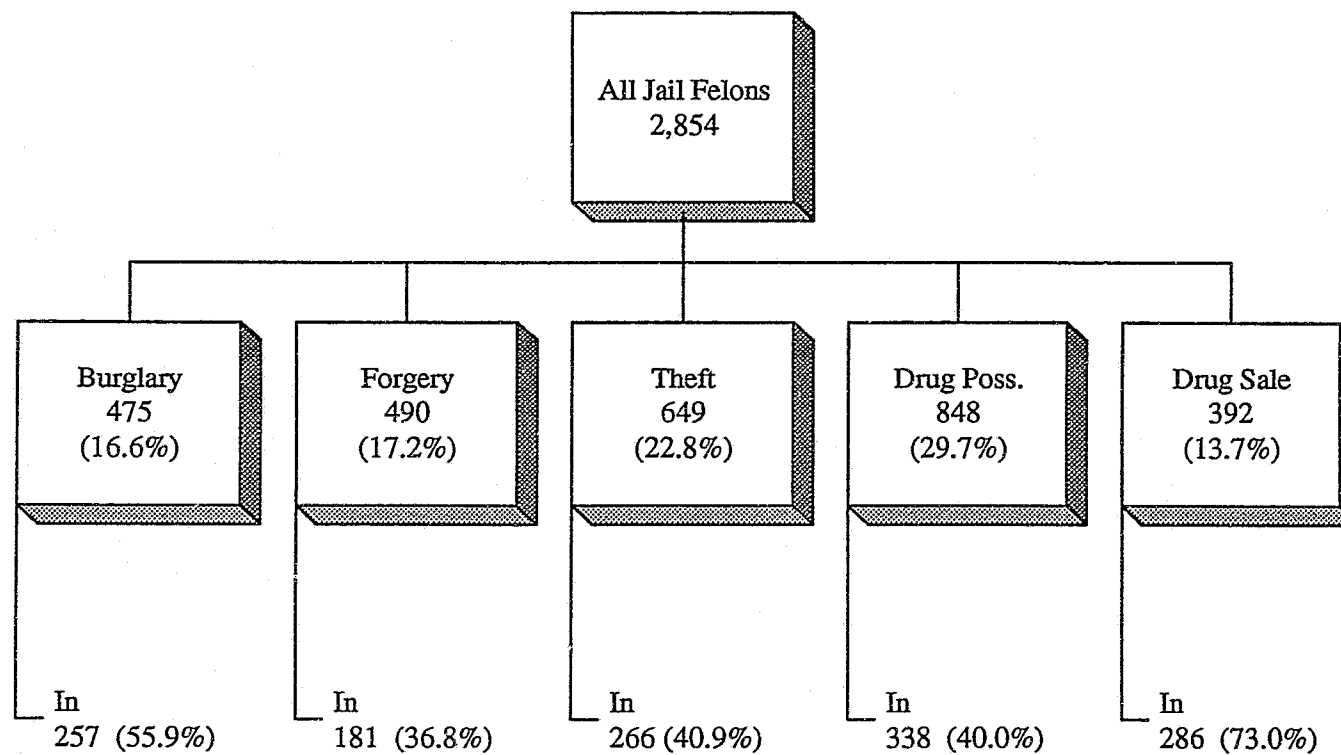


State Jail Felon Estimates: Tarrant County

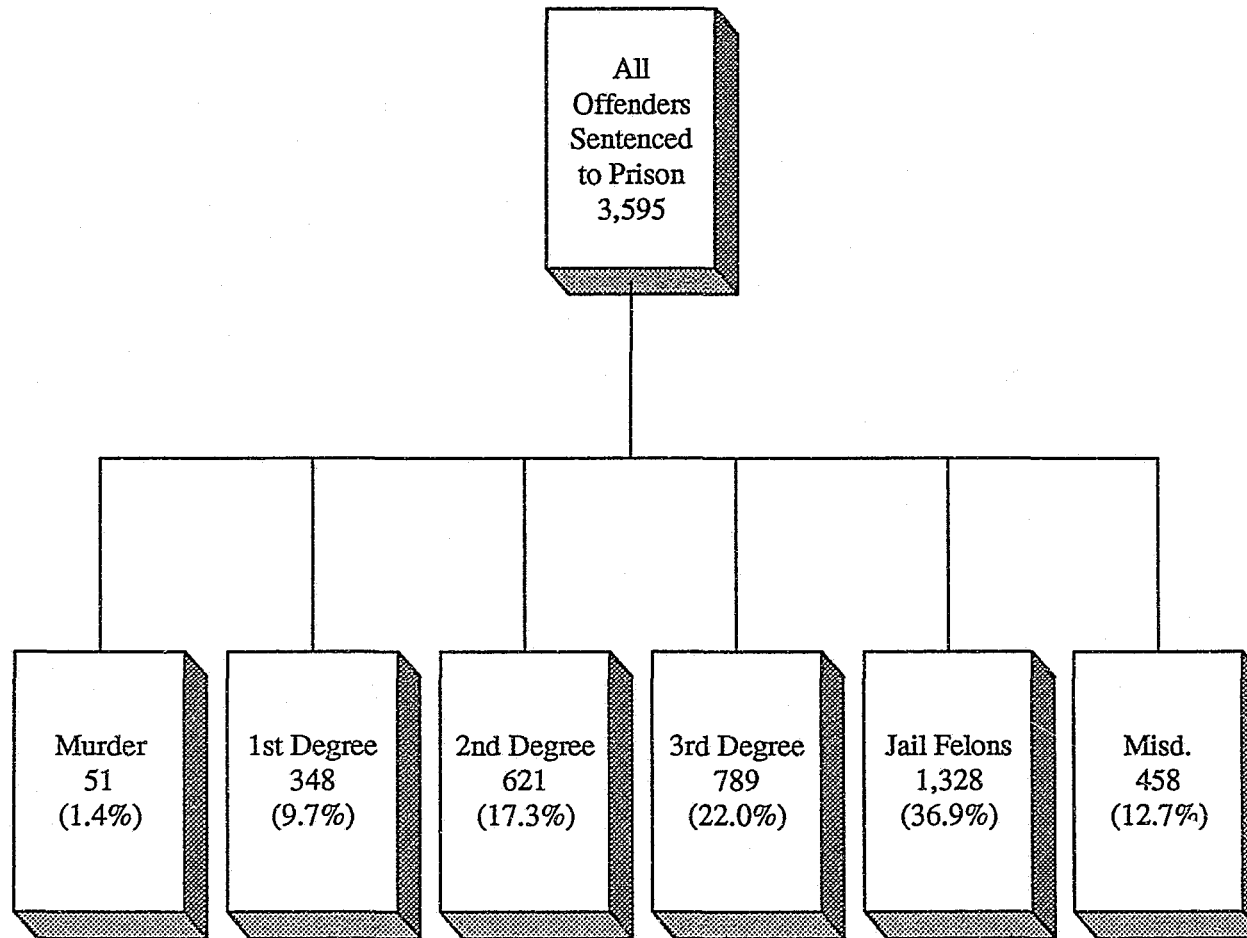
Offenders Sentenced in Tarrant County



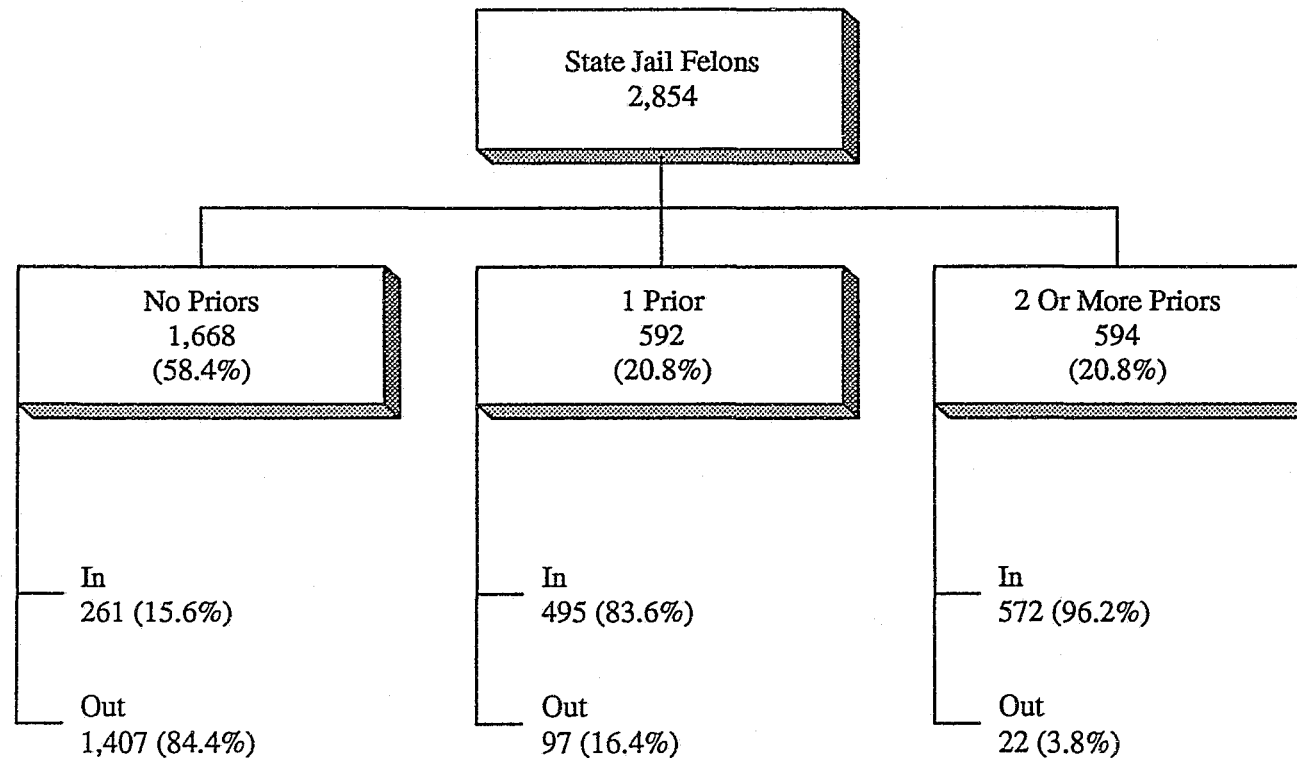
State Jail Felons by Offense and Number in Tarrant County



Offenders Sentenced to Prison in Tarrant County

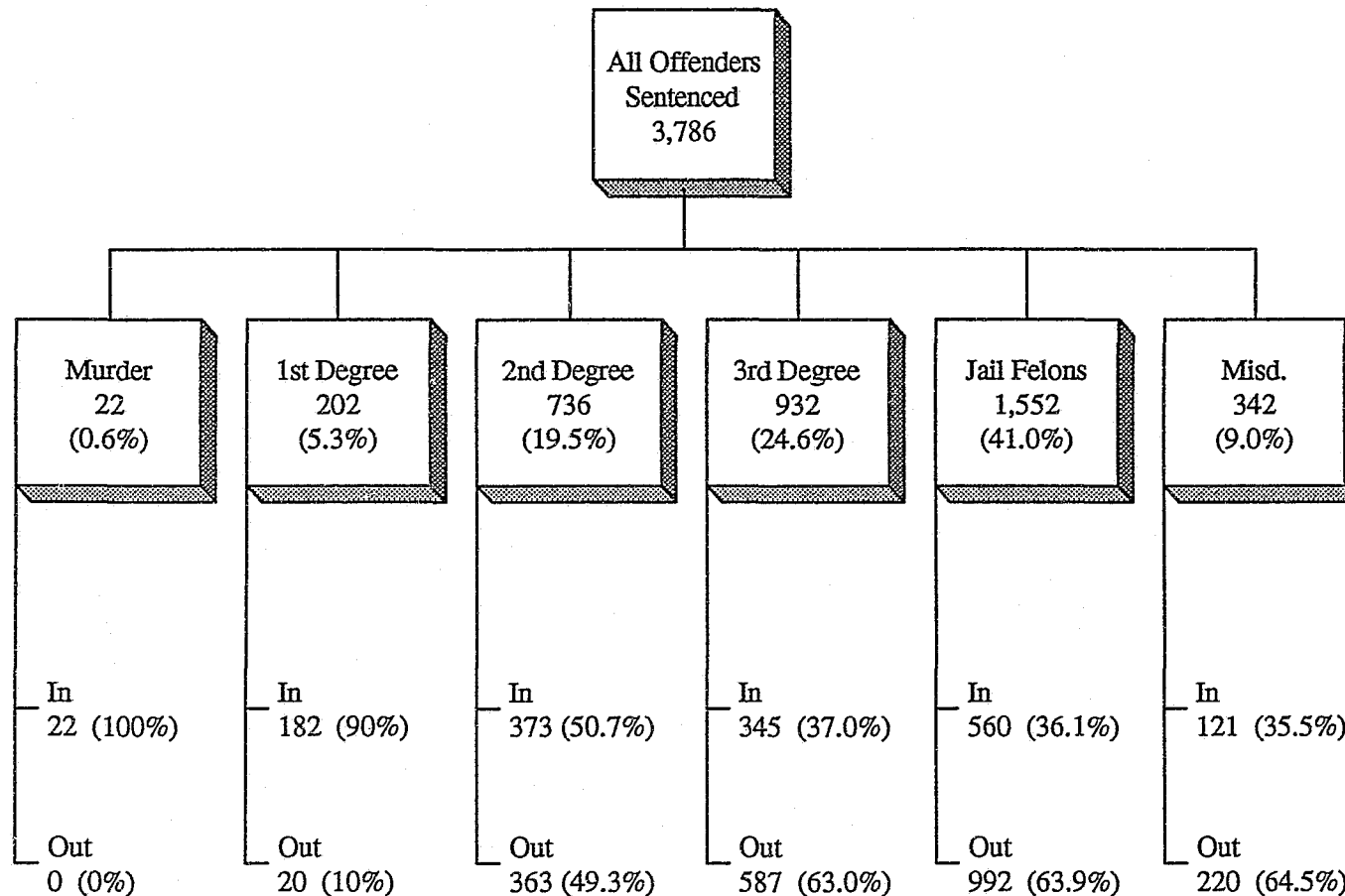


Prior Felony Convictions of State Jail Felons in Tarrant County

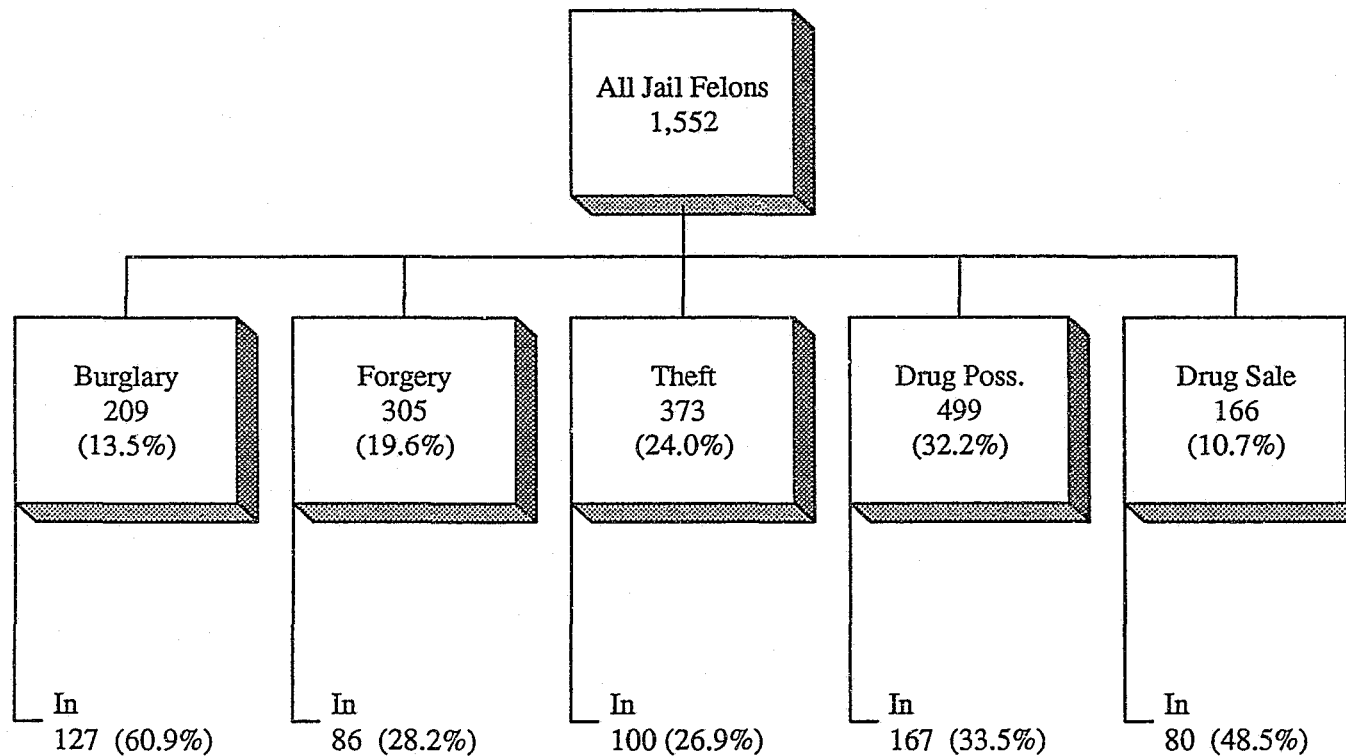


State Jail Felon Estimates: Travis County

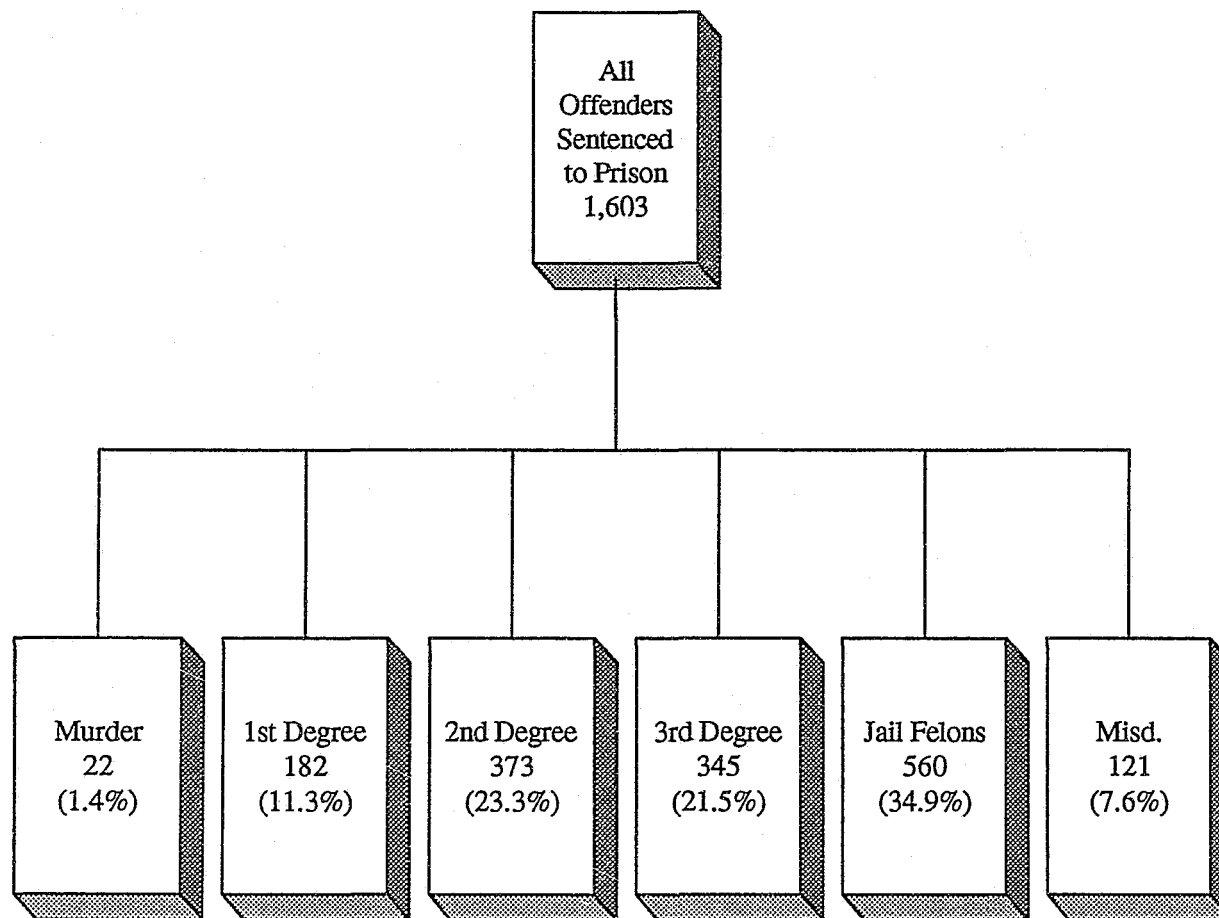
Offenders Sentenced in Travis County



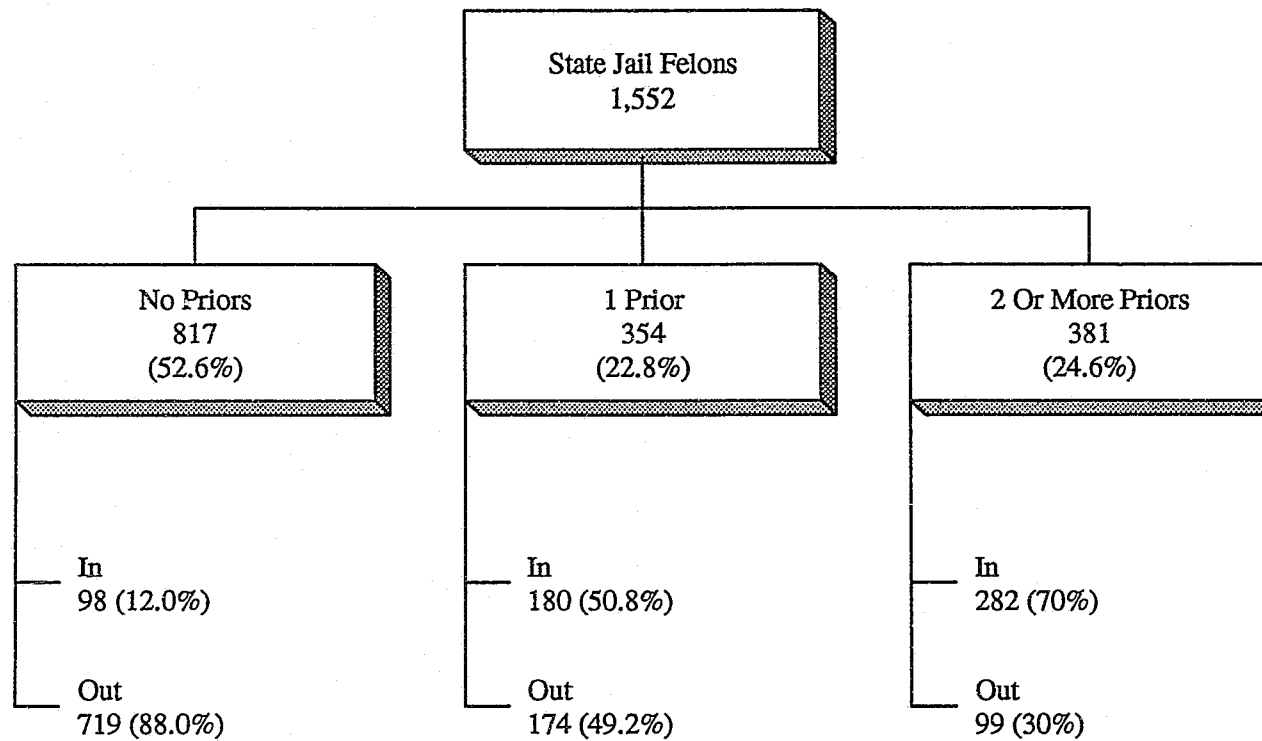
State Jail Felons by Offense and Number in Travis County



Offenders Sentenced to Prison in Travis County

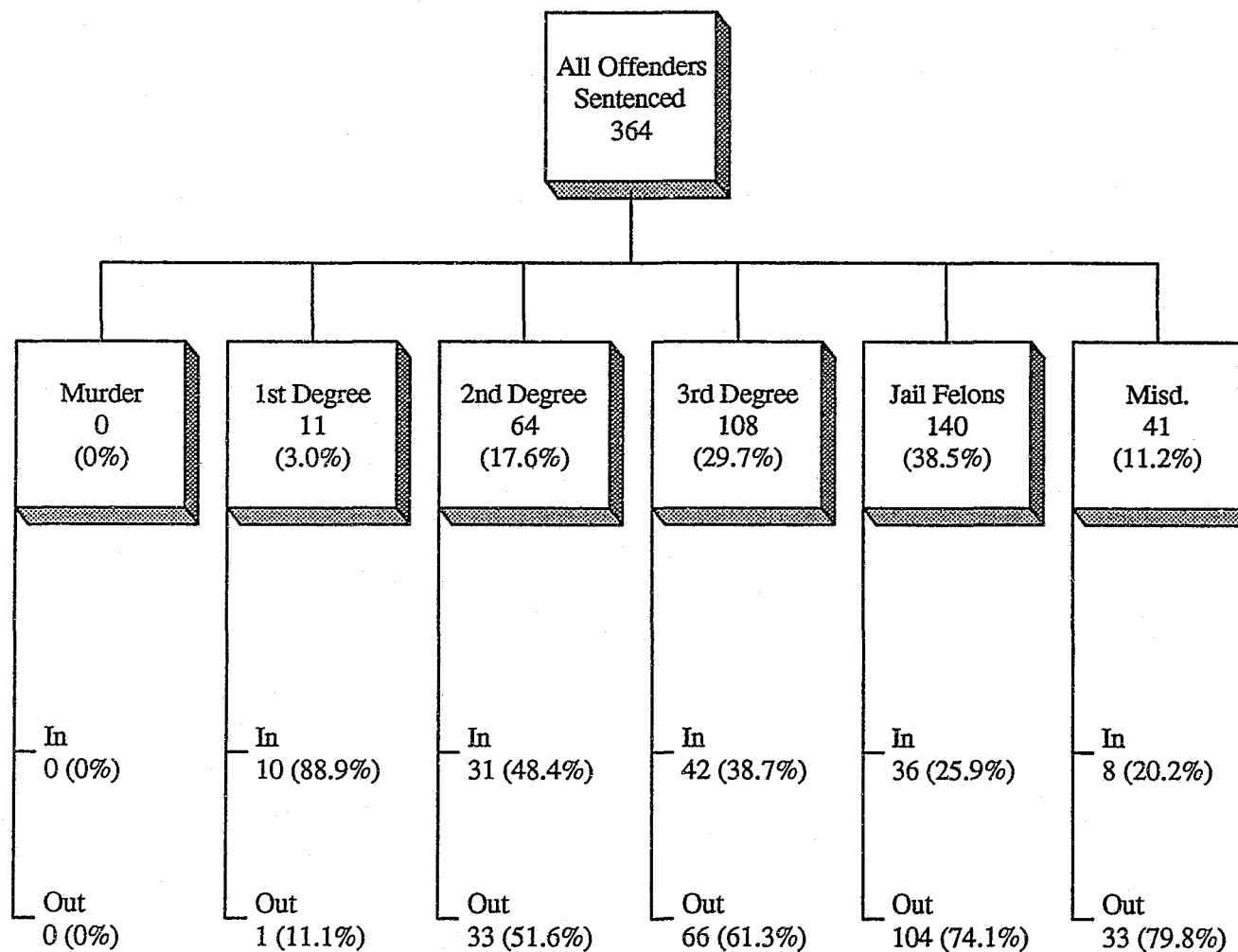


Prior Felony Convictions of State Jail Felons in Travis County

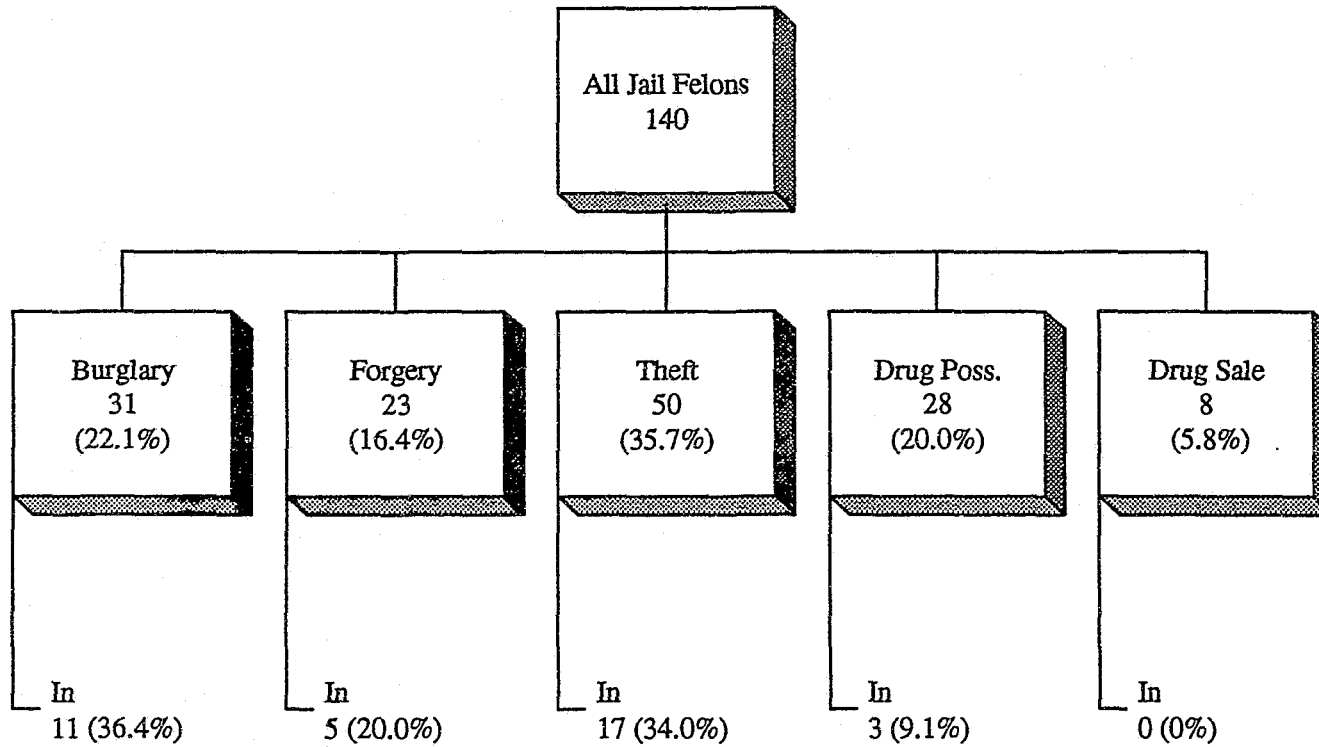


State Jail Felon Estimates: Williamson County

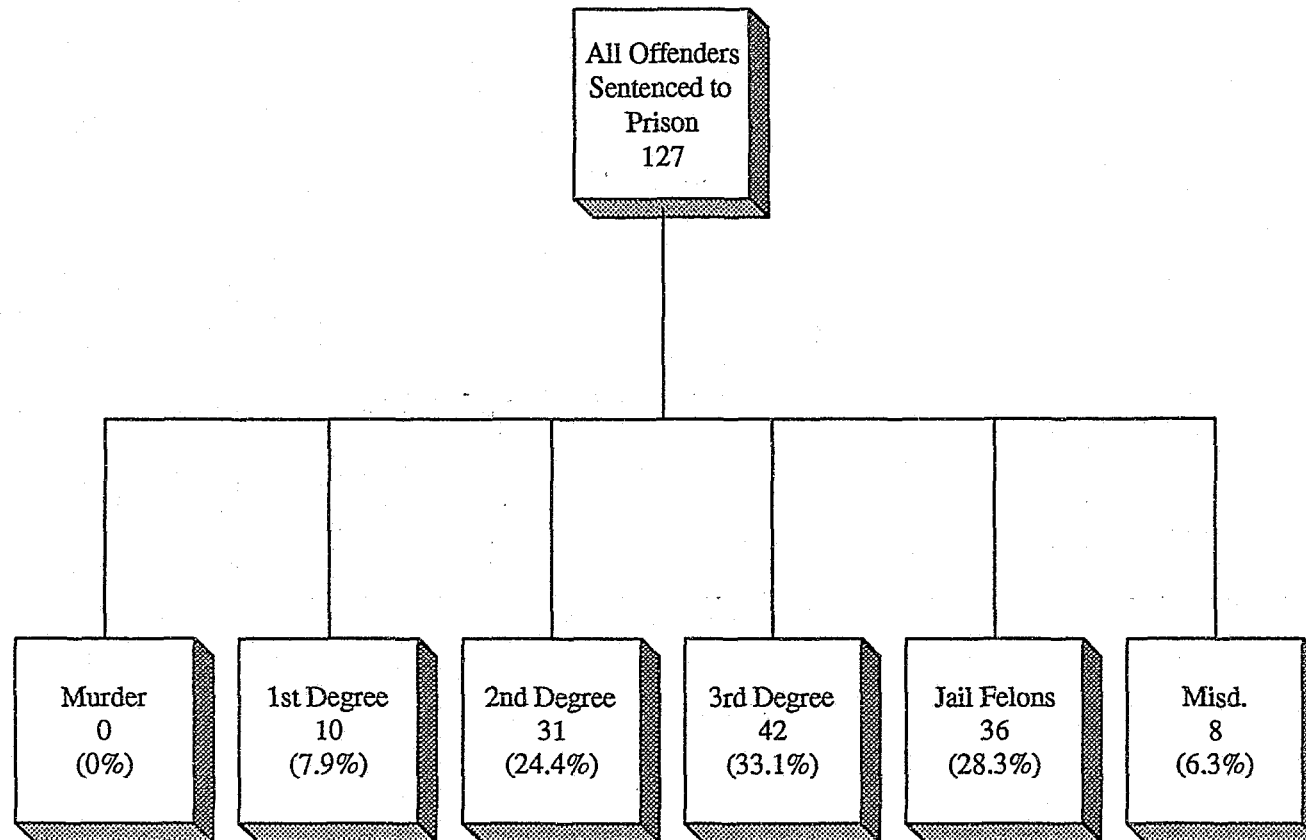
Offenders Sentenced in Williamson County



State Jail Felons by Offense and Number in Williamson County



Offenders Sentenced to Prison in Williamson County



Prior Felony Convictions of State Jail Felons in Williamson County

